

THE CONCEPT OF THE HUMAN  
IN THE WORKS OF CARL SCHMITT

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# TABLE OF CONTENTS

INTRODUCTION: ENTRANCE TO THE ANTHROPOLOGICAL PROBLEMATIC .....	1
INTR. 1. OBJECT OF STUDY AND THESIS .....	1
INTR. 2. CARL SCHMITT THE IRRATIONAL MISANTHROPE - ? : A REVIEW OF LITERATURE .....	9
INTR. 3. THESES, SCOPE AND STRUCTURE .....	21
INTR. 4. PRELIMINARY PHILOSOPHICAL ORIENTATIONS.....	29
CHAPTER 1. THE HUMAN AND THE RATIONAL.....	36
1.1. THE “SPECIFIC RATIONALITY” OF THE CATHOLIC CHURCH .....	37
1.1.1. <i>Amidst the dualisms</i> .....	37
1.1.2. <i>Protestant and economic thought</i> .....	40
<i>Excursis on the term “thought” (Denken)</i> .....	46
1.1.3. <i>Repräsentation</i> .....	48
1.1.4. <i>Human rationality</i> .....	57
1.1.5. <i>To a conception of the human</i> .....	61
1.2. THOUGHTS OF THE HUMAN .....	65
1.2.1. <i>Anthropology and the juristic</i> .....	65
1.2.1.1. <i>Juristic thought and human rationality</i> .....	69
<i>Excursis: jurisprudence and romanness</i> .....	74
1.2.2. <i>Concrete order thought: the problem of occasional rationality</i> .....	76
1.2.2.1. <i>Concrete order thought as a theory of social normativity</i> .....	76
1.2.2.3. <i>Concrete order thought and the sphere of human activity</i> .....	89
CHAPTER 2. BETWEEN DOGMA AND AGONY .....	97
2.1. THE ANTHROPOLOGICAL CONFESSION .....	99
2.2. BETWEEN DOGMA AND AGONY .....	107
2.3. POLITICAL THOUGHT.....	117
2.4. <i>SELBSTBEWUSSTSEIN</i> AND THE HUMAN.....	122
2.4.1. <i>Donoso Cortés' “selbstbewußte Größe”</i> .....	123
2.4.2. <i>The autonomy of “a spiritual descendent of Grand Inquisitors”</i> .....	125
2.4.2.1. <i>Secularity</i> .....	129
2.4.2.2. <i>Pretentions</i> .....	131
2.5. EPIC AND TRAGEDY OF THE POLITICAL .....	133
CHAPTER 3. HISTORY AND THE HUMAN.....	140
3.1. THE TRAGICITY OF THE HUMAN AS INHABITANT OF THE MODERN.....	143
3.1.1. <i>The transition from 16<sup>th</sup> to 17<sup>th</sup> century</i> .....	143
3.1.2. <i>The tragic death of the human</i> .....	150
3.1.2.1. <i>Hobbes</i> .....	150
3.1.2.2. <i>Schmitt's historical reading of Hamlet</i> .....	158

3.1.2.3. Rudolf II .....	162
3.1.3. <i>The tragedy of jurisprudence as inhabitant of the modern</i> .....	164
3.2. CARL SCHMITT’S KATECHONAL PHILOSOPHY OF HISTORY .....	172
3.2.1. <i>Origins and early exegesis of the katechon</i> .....	173
3.2.2. <i>Schmitt's concept of the katechon</i> .....	177
3.2.2.1. The anti-nihilist function of the katechon .....	177
3.2.2.2. “Being at rest” – “ <i>ruhendes Sein</i> ” .....	180
3.2.3. <i>From the structure to the function of the katechon: the creation of historical space</i> .....	182
3.2.3.1. “Mere being” and the problem of substantive indifference.....	182
3.2.3.2. The function of the katechon or: the guarantor of the political .....	185
3.2.4. <i>Characteristics of Schmitt’s philosophy of history</i> .....	192
3.2.4.1. Creaturings of a human history .....	192
3.2.4.1.1. Dignitas and bonitas: the human and the animal .....	193
3.2.4.1.2. Creatureliness and political existence.....	196
3.2.4.1.3. Schmitt’s conception of the creaturely.....	200
3.2.4.2. The spatiality of history .....	204
3.3. CLOSING REMARKS: HISTORY AND THE INCARNATION .....	209
CHAPTER 4. SUMMARY AND CONCLUSIONS .....	214
CONCLUDING EXCURSUS ON: THE CONCEPT OF THE HUMAN AS A POINT OF CULTURAL CONFLICT. ....	218
SOURCES CITED.....	221

# Introduction: Entrance to the Anthropological Problematic

## Intr.1. Object of Study and Thesis

The following study is an analysis of the philosophical-anthropological foundations underlying the jurist Carl Schmitt's thought. More specifically, it will argue that Schmitt's thought exhibits a constant interaction with and orientation towards what this study will call his concept of the human. Against the general tendency of scholarship to read Schmitt's anthropology as mere pessimism, this study wants to suggest that Schmitt's concept of the human designates an ambivalent middle position, characterized by a particularly "human", rationality. By focusing on this middle position this study will, firstly, attempt to counteract the idea that Schmitt's anthropology can be reduced to the pessimism of his "anthropological confession" and, secondly, do so by revealing the way in which this position of the human underlies Schmitt's concept of the political as well as his philosophy of history, revealing both as attempts to identify and explicate a particularly human sphere of existence.

The widespread belief that Schmitt was what one calls an anthropological pessimist is basically drawn from Schmitt's most explicit and widely commented anthropological reflection, found in the seventh chapter of *The Concept of the Political* where he argues "the strange and, for many, certainly disconcerting observation that all true political theories presuppose an 'evil' human being, in other words, that they regard the human being as a by no means 'unproblematic' but rather 'dangerous' and dynamic being"<sup>1</sup>. "Decisive", the thinker of the decision goes on to write, "is the problematic or unproblematic understanding of the human being as the presupposition for any further political consideration, the answer to the question of whether the human being is a 'dangerous' or a harmless, a risky or harmless non-risky being"<sup>2</sup>. Thus, Helmut Schelsky's frequently cited characterization of Schmitt as "a

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<sup>1</sup> Schmitt, Carl. *Der Begriff des Politischen*, 2<sup>nd</sup> edition (1932), Berlin: Duncker & Humblot 2009 (henceforth: *BdP*), p. 57. See in particular Heinrich Meier's extended discussion of Schmitt's anthropology, focused almost exclusively on the seventh chapter of *The Concept of the Political*, in which Meier identifies the doctrine of original sin as the "heart" of Schmitt's anthropology (Meier, Heinrich. *Carl Schmitt, Leo Strauss und »Der Begriff des Politischen«*. *Zu einem Dialog unter Abwesenden* (1988), 3<sup>rd</sup> edition, Stuttgart: J.B. Metzler 2013, p. 62).

Regarding translation and editions in this study: due to the fact that many works of Schmitt's, not to mention the secondary literature used, have not been translated into English, as well as the fact that English language translations of many works were not always available in due time for the composition of this study, I have translated almost all of the texts myself. A major exception in this regard is Schmitt's text *Roman Catholicism and Political Form* (Westport, CT: Greenwood Press 1996; henceforth *RC*), for which I have used the English language translation by Gary L. Ulmen. Here as well, however, I have often modified Ulmen's translation where I felt necessary and provided the page number in the German original with the abbreviation *RK*. The German text of *Römischer Katholizismus und politische Form* used is the 1925 second edition, republished by Klett-Cotta Verlag, Stuttgart, in 1984. In addition I have also used the English translations of several other works, noted where used. In all cases, modifications have been noted with the author's initials: N.H. and the source in the German original, if not the passage itself, also provided.

<sup>2</sup> Schmitt, Carl. *BdP*, p. 57.

German Hobbes of the 20<sup>th</sup> century”<sup>3</sup> attests not only to Schmitt's status as “the newest classic of political thought”<sup>4</sup>, nor only to the general tendency to see Schmitt as, the “Crown Jurist” of the Third Reich<sup>5</sup> who lived “closer to power than to the law”<sup>6</sup>, but to their apparently shared anthropological view of human existence: solitary, poor, nasty, brutish and short<sup>7</sup>. In short it is ostensibly quite clear that Schmitt's anthropology is “negative” or “pessimistic”<sup>8</sup>.

The intellectual tradition in which he places himself is also not helpful: Aristotle, Hobbes, Machiavelli, Bodin, to name more well known figures, as well as the counter-revolutionary triumvirate: de Bonald, Donoso Cortés and De Maistre who once asked: “*C'est la guerre qui accomplira le décret. N'entendez vous pas la terre qui crie et demande du sang?*”<sup>9</sup>. Nor has Schmitt's intellectual afterlife done much to change this image, enthusiastically received as Schmitt has been by American neo-conservatives, French thinkers of the “new right” and radical leftists linked to terrorist activity in Italy during the 1970's and 80's<sup>10</sup>. All of this seems quite clear to mainstream Schmitt reception and the vast majority of Schmitt scholarship. And yet the question remains what the terms “pessimistic” and “negative” mean and whether they do justice to his anthropology.

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<sup>3</sup> Schelsky, Helmut. *Thomas Hobbes. Eine politische Lehre*, Berlin: Duncker & Humblot 1981, p. 5.

<sup>4</sup> Willms, Bernard. *Carl Schmitt: Jüngster Klassiker politischen Denkens?*, pp. 577-597 in: *Complexio Oppositorum*, ed. Helmut Quaritsch, Berlin: Duncker & Humblot 1988.

<sup>5</sup> On the employment of this name by Wilhelm Stapel, with whom Schmitt communicated from the early 30's on (the earliest preserved letter is dated April 9<sup>th</sup>, 1932), see: *Schmittiana: Beiträge zu Leben und Werk Carl Schmitts: Band V*, ed. Piet Tommissen, Berlin: Duncker & Humblot 1996, pp. 48-49.

<sup>6</sup> “Closer to power than to the law” (“*Der Macht näher als dem Recht*”) is the title of an obituary by Kurt Sontheimer in the newspaper: *Die Zeit*: April 19<sup>th</sup>, 1985.

<sup>7</sup> Hobbes, Thomas. *Leviathan: with selected variants from the Latin edition of 1668*, ed. Edwin Curley, Indianapolis, IN: Hackett 1994, p. 76; cf. Joseph Bendersky's comparison of Schmitt and Freud as “unabashed Hobbesians” in: *Schmitt and Freund, Anthropology, Enemies and the State*, pp. 623-635 in: *Staat – Souveränität – Verfassung. Festschrift für Helmut Quaritsch zum 70. Geburtstag*. Berlin: Duncker & Humblot 2000, p. 624. While Bendersky's essay serves as a useful reminder that Schmitt's anthropological pessimism is neither his alone, nor solely the anthropological position of a conservative 'realist' thinker, but also that of a “liberal, progressive Viennese Jew”, his essay remains firmly planted in the pessimistic interpretation of Schmitt's anthropology. See, additionally: Rumpf, Helmut. *Carl Schmitt and Thomas Hobbes: Ideelle Beziehung und aktuelle Bedeutung mit einer Abhandlung über: Die Frühschriften Carl Schmitts*, Berlin: Duncker & Humblot 1972; *Thomas Hobbes and Carl Schmitt: The Politics of Order and Myth*, ed. Johan Tralau, London and New York: Routledge 2011.

<sup>8</sup> Here the terms “negative” or “pessimistic” are not meant to describe a particular, concrete anthropology but rather, as in Schmitt scholarship in general, an attitude which can be called negative simply because it sets itself in opposition to the idea that the human being tends to or even wants what one can call “the good”. An example of a “positive” or “optimistic” anthropology, by means of which it may also become clearer what the terms “negative” or “pessimistic” are supposed to mean, can be found in Wilhelm von Humboldt's text *Ideen über einen Versuch die Grenzen der Wirksamkeit des Staates zu bestimmen*, where one reads the following: “To want to disturb the order of nature here means creating moral evil in order to guard against physical evil. [...] The human tends, as such, more to charitable acts than to selfish ones”, Stuttgart: Reclam 2010, p. 113.

<sup>9</sup> “It is war which will accomplish the decree. Do you not hear the earth which cries for and demands blood?”: de Maistre, Joseph. *Les Soirées de Saint-Petersbourg ou Entretiens sur le Gouvernement Temporel de la Providence* (septième entretien), Tome 1 in: *Oeuvres III: Edition critique sous la direction de Jean/Louis Darcel*, Genève: Slatkine 1993, p. 391.

<sup>10</sup> For an extensive study of the post-war reception in Europe of Schmitt's thought see: Müller, Jan-Werner. *A Dangerous Mind: Carl Schmitt in Post-War European Thought*, New Haven, CT: Yale University Press 2003.

In an entry in *Glossarium: notes from the years 1947-1951*, reflecting upon his early years, the “Late Student of Oswald Spengler”<sup>11</sup> writes: “Adolescence without Goethe' (Max Kommerell), for us concretely, that was, since 1910, adolescence with Hölderlin, that means the transition from optimistic-ironic-neutralizing geneality [*Genialismus*] to pessimistic-active-tragic geneality. But it remained geneality, only intensified it to infinite depths [*vertieft ihn in noch unendliche Tiefen*]. Norbert von Hellingrath is more important than Stefan George and Rilke”<sup>12</sup>. Here we have, at first glance, not only a theoretical but personal confession of faith to the pessimistic. But is the simple dichotomy between optimism and pessimism capable of fully grasping Schmitt’s statement in this note? Or is the question begged, not whether Schmitt is a thinker of the pessimistic, but rather why and what it means to be a thinker of the pessimistic? Might we need to pause before assuming that a pessimistic anthropology is necessarily a misanthropology, an anti-humanism, in order to consider the possibility of a pessimistic anthropology, a pessimistic humanism, the humanism of which “*non umanistica umanità*”<sup>13</sup> lies precisely in its correlate tragicity and that it is precisely with this tragicity that Schmitt hoped to bring to light a mode and sphere of human existence in the holism and epic of its totality?

Concrete questions are raised, not only about which side of the anthropological divide Schmitt stands on, but more importantly about the absolute centrality of a differentiation between a 'by nature good' and a 'by nature evil' to Schmitt's thought, when Schmitt writes in *The Concept of the Political* that “The differentiation [between a good and an evil nature of the human being] is only summary and not to be taken in a specifically moral or ethical sense”<sup>14</sup>. The insufficiency of a reading of Schmitt's thought as merely pessimistic, as well as Schmitt's reflection upon this insufficiency, is evidenced by an endnote to the 1963 edition of

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<sup>11</sup> Breuer, Stefan. Ch. X in *Carl Schmitt im Kontext: Intellektuellenpolitik in der Weimarer Republik*, Berlin: Akademie 2012, p. 257 ff.

<sup>12</sup> Schmitt, Carl. *Glossarium: Aufzeichnungen der Jahren 1947-1951*, Berlin: Duncker & Humblot 1991, 18.5.1948. *Glossarium*, published in German only posthumously in 1991, is a journal style log of Schmitt’s theoretical reflections clearly different from the meticulous calenderesque style of his diaries. While they do carry the title “notes” it should be noted that Schmitt's *Glossarium* is not a diary and that Schmitt's composition of the text longhand, in contrast to his typical use of Gabelsberger stenography, suggests that he also foresaw it being published or at least prepared it with publication in mind (*Carl Schmitt Tagebücher 1930 bis 1934*, ed. Wolfgang Schuller in cooperation with Gerd Giesler, Berlin: Akademie 2010, p. 458). The lack of an English translation of *Glossarium* is particularly regrettable because of the numerous topics which receive important commentary in this work and which have sparked heated debate in the German speaking discourses, both academic and public. In particular *Glossarium* is a work of great interest because it sheds light on both Schmitt’s anti-Semitism as well as on his reception of Hobbes and perhaps, given the otherwise sparse discussion, of greatest interest, on his reading of the biblical figure of the katechon (see below, ch. 3). When citing from *Glossarium*, I have decided to provide the entry’s date rather than the page number.

In this text brackets will be used in order to signify an alternation or insertion made by myself within a quotation. In the rest of the text, that is, not in citations, parenthesis will be used.

<sup>13</sup> Galli, Carlo. *Lo sguardo di Giano: Saggi su Carl Schmitt*, Bologna: Il Mulino 2008, p. 20.

<sup>14</sup> Schmitt, Carl. *BdP*, p. 55.

*The Concept of the Political*, where Schmitt writes that liberal criticisms “condemn our insight into a tangible reality as warhawking, Machiavellianism, manicheanism and, today unavoidably – nihilism”<sup>15</sup>. And that a mere description of his thought as pessimistic does not suffice is made only clearer when he writes that: “The question cannot be resolved with psychological comments about ‘optimism’ or ‘pessimism’”<sup>16</sup>. Indeed, in a further endnote, Schmitt also makes clear that it “should be emphasized in advance, that the use of a formula like ‘by nature’ good or evil signifies neither a distinct confession of faith to Aristotle’s concept of physis [...] nor to the alternative platonic or Christian-theological concepts of nature”<sup>17</sup>. Schmitt’s pessimistic anthropological confession is not an absolute, objective definition of the human, but functional in nature, “based on the situation”<sup>18</sup>. The differentiation between an objective definition of the human as such and a situational definition, manifest in Schmitt’s distinction between dogmatic and agonistic thought, will prove central for this study, in particular in chapter 2’s discussion of Schmitt’s “anthropological confession”.

This is not to say that the difference between presupposing a good or a bad nature is irrelevant or merely, as Schmitt himself describes it, “primitive”<sup>19</sup>, nor is it to say that Schmitt was actually an anthropological optimist. What should be made clear, however, is that the anthropological concerns of Schmitt’s thought extend beyond a simplistic understanding of pessimism. Amidst the suggestive power of the friend-enemy differentiation and the pessimistic anthropology upon which it rests, the more deeply lying anthropological concerns of Schmitt’s thought can be easily lost. Important, for instance, is that we not lose sight of the initial anthropology developed before being divided into the categories of good and bad nature, that, in other words, we not confuse the anthropology itself with the post factum differentiation between a good-natured and bad-natured concept of the human being. For, while suggesting that all political theories can be uncovered in their stance towards the moral nature of the human being, Schmitt also implicitly makes clear that the anthropological approach does not initially concern a decision between a good or evil human nature. Rather, every political theory begins with a distinct anthropology, which, after examination, can be

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<sup>15</sup> Schmitt, Carl. *BdP*, p. 109.

<sup>16</sup> Schmitt, Carl. *BdP*, p. 59.

<sup>17</sup> Schmitt, Carl. *BdP*, p. 112.

<sup>18</sup> Schmitt, Carl. *BdP*, p. 112. Cf. Danijel Paric in *Anti-römischer Affekt: Carl Schmitts Interpretation der Erbsündenlehre und ihre wissenschaftstrategische Funktion* (Berlin: LIT 2012), who, proceeding from the conviction that Schmitt’s interpretation of the doctrine of original sin is erroneous, poses the following series of questions: “But how [...] did the, at the time, declaredly Catholic thinker Carl Schmitt come to interpret a Catholic doctrine contrary to its meaning? Did a thinker as great as Carl Schmitt simply misunderstand a church dogma? What is the meaning of his doctrine of original sin and against whom is its conscious misinterpretation directed?”, p. 11.

<sup>19</sup> Schmitt, Carl. *BdP*, p. 56.



divided into the categories of good and evil. Thus, when examining Plessner's political anthropology Schmitt writes that:

For Plessner, the human being is 'primarily a being which distances itself' whose being remains undefined, inscrutable, and an 'open question'. In the primitive language of that naïve political anthropology which works with the differentiation between 'evil' and 'good', Plessner's dynamic 'remaining open' may, with its proximity to reality and to the matter at hand and their willingness to take risks and because of its positive relationship to danger and to the dangerous, be closer to the 'evil' than to the good<sup>20</sup>.

Plessner's formulation of man as an "open question" is not initially comprehended in the ultimately moral categories of good and evil, but as an anthropology in its own right. Only after this has been grasped can it be placed within a system of "good" or "evil". In the same way Schmitt also writes:

One must rather pay more attention to how different the 'anthropological' presuppositions are in the various fields of human thought. A pedagogue will, out of methodological necessity, consider the human being educable and trainable [*erziehbar und bildsam*]. A jurist of private law proceeds from the sentence: 'unus quisque praesumitur bonus'. A theologian ceases to be a theologian, when he no longer considers the human being sinful or in need of salvation and no longer differentiates the elect from the non-elect, the redeemed from the non-redeemed, while the moralist presupposes a freedom of choice between good and evil<sup>21</sup>.

While it may be that all of these anthropologies can, in some way, be traced back to a primary decision about the moral nature of the human being, it is also important that we pause to consider each anthropology in the categories proper to it, those terms through which it articulates itself before being *post factum* divided along the categories of good and evil. The pedagogue serves as a good example of this. For, while it might seem that the presupposition of a capacity to learn at least admits the possibility of 'learning from one's mistakes', it may also be reasonably suggested that technological advances are, if not responsible, then necessary prerequisites for some of the 20<sup>th</sup> century's most catastrophic events. Regarding the distinction between the elect and the non-elect, Wolfgang Palaver has also thrown into question its exhibition of a completely pessimistic anthropology when suggesting that

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<sup>20</sup> Schmitt, Carl. *BdP*, p. 56. German original: "Für Plessner ist der Mensch ,ein primär Abstand nehmendes Wesen', das in seinem Wesen unbestimmt, unergründlich und ,offende Frage' bleibt. In die primitive Sprache jener naiven, mit der Unterscheidung 'Böse' und 'Gut' arbeitenden politischen Anthropologie übersetzt, dürfte Plessners dynamisches 'Offenbleiben' mit seiner wagnisbereiten Wirklichkeits- und Sachnähe, schon wegen seiner positiven Beziehung zur Gefahr und zum Gefährlichen, dem 'Bösen' näher sein als dem Guten".

<sup>21</sup> Schmitt, Carl. *BdP*, p. 59.

A more precise analysis of Schmitt's statements about anthropology and original sin allows one to see that in reality it is not the idea of original sin which is decisive for Schmitt because this would bring with it a universalism and therewith also a "consistent [*durchgängigen*] concept of humanity", but rather that it is the idea of predestination which stands at its core and which allows him to find an analogy in the differentiation between elect and non-elect, the redeemed and the non-redempted and the differentiation between friend and enemy<sup>22</sup>.

And yet is it really incorrect to think that Schmitt was an anthropological pessimist? Doesn't he say as much and isn't he unequivocally explicit, not so much about his personal pessimism as about the conceptual-structural necessity of anthropological pessimism for political theory when he writes that "all true political theories presuppose an 'evil' human being"<sup>23</sup>? While we will later have occasion to question this apparent clarity, we may, for the moment, let it stand.

For, more interesting and important for this study than the resolution of Schmitt's anthropological optimism or pessimism is that, while Schmitt is quite clear regarding the relationship between the political and a pessimistic anthropology, there are other sentences in his work as a whole which, while not contradicting this statement as such, open the possibility of interpreting Schmitt's anthropology from perspectives other than the distinction between anthropological optimism and pessimism. One might think, for instance, of *Land and Sea's* (1950) opening sentence: "The human being is a terrestrial being, a land-goer"<sup>24</sup>. Admittedly it does not come with the explicitly theoretical argumentation and foundation of *The Concept of the Political's* seventh chapter, but it is an anthropological confession of no less and perhaps even more importance for Schmitt's thought as a whole. This tremendous importance becomes clear once one grasps the symbolic importance of land in the Schmittian system of thought: land is the great symbol, in opposition to water, of the pre-modern, stable and **grounded** theological order of a Christian Europe and as such a terrestrial anthropology the anthropology of a human still tied to such structures<sup>25</sup>. Might not *Land and Sea* provoke us to ask whether Schmitt was, more than an anthropological pessimist, an anthropological terrestrialist? How can we even begin to integrate the terrestrial-maritime distinction into Schmitt's anthropology as a whole? Is there a relationship between the anthropological

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<sup>22</sup> Palaver, Wolfgang. *Die mythischen Quellen des Politischen: Carl Schmitts Freund-Feind-Theorie*, Stuttgart: Kohlhammer 1998, p. 57.

<sup>23</sup> Schmitt, Carl. *BdP*, p. 57.

<sup>24</sup> Schmitt, Carl. *Land und Meer: eine weltgeschichtliche Betrachtung*, (1<sup>st</sup> edition 1942) 2<sup>nd</sup>, expanded edition, Stuttgart: Klett-Cotta 1954, p. 7.

<sup>25</sup> Cf. below ch. 3.1.1.

confession of *The Concept of the Political*'s seventh chapter and this opening sentence of *Land and Sea*? And might it not be found if we consider that two decades before Schmitt wrote of the “terrestrial” human being in *Land and Sea* he also polemically claimed that Catholics have a particularly strong relationship to the land, lacked by the metaphysical protestant modern<sup>26</sup>? This study wishes to offer a starting point for attempts to approach Schmitt's anthropology not from the perspective of *The Concept of the Political*'s seventh chapter but from that of the human's terrestriality. A similar opportunity to witness Schmitt's anthropology beyond the optimistic-pessimistic decision is offered when we turn to the closing pages of Schmitt's last major work, *Political Theology II*, in which we read:

The Augustinian doctrine of two different kingdoms will, until the day of judgment, always stand anew before the colon of the always open question: *Quis judicabit? Quis interpretabitur?* Who decides *in concreto* for the human being acting in its creaturely autonomy the question of what is spiritual and what is worldly and what is to be done with the *res mixtae* which, in the interim between the arrival and return of the lord, undeniably make up the entire earthly existence of this spiritual-worldly, spiritual-temporal double-being called human?<sup>27</sup>

This passage contains many of the strains of thought which we will pursue in the course of this study, which we have announced above with the concept of the human as a middle ground, which are collected here under the concepts of “*res mixtae*” and “interim” and which are characterized by ‘creatureliness’ and “autonomy”<sup>28</sup>. But above all it may begin to make

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<sup>26</sup> Schmitt, Carl. *RC*, p. 10.

<sup>27</sup> Schmitt, Carl. *Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie*, Berlin: Duncker & Humblot 1970, p. 107. German original: “*Die Augustinische Lehre von den zwei verschiedenen Reichen wird bis zum Jüngsten Tage immer von neuem vor diesem Doppelpunkt der offen bleibenden Frage stehen: Quis judicabit? Quis interpretabitur? Wer entscheidet in concreto für den in kreatürlicher Eigenständigkeit handelnden Menschen die Frage, was Geistlich und was Weltlich ist und wie es sich mit den res mixtae verhält, die nun einmal in dem Interim zwischen der Ankunft und der Wiederkunft des Herrn die ganze irdische Existenz dieses geistig-weltlichen, spiritual-temporalen Doppelwesens Mensch ausmachen?*”.

<sup>28</sup> Given what we will see to be the centrality of this passage's thought I would like to briefly clarify from the beginning of this study that, while certainly touching upon related themes, the following study is not a study in political theology and does not have the intention of taking a position in the debate about whether “political theology is” or is not “the correct, the only suitable characterization for Schmitt's teaching” (Meier, Heinrich. *Carl Schmitt, Leo Strauss*, p. 85; cf. Meier, Heinrich. *Die Lehre Carl Schmitts: Vier Kapitel zur Unterscheidung Politischer Theologie und Politischer Philosophie* (1994), 2<sup>nd</sup> edition, Stuttgart: J.B. Metzler 2004, p. 52: “Schmitt's doctrine of the political cannot be understood by one who does not understand it as a piece of his political theology”) for which reason, in spite of its containing passages of significant illustrative importance for this study, Schmitt's *Political Theology II* will not be systematically integrated into this study.

If, however, as Machke argues in the case of Meier's book, an overemphasis on political theology's centrality for Schmitt's thought goes hand in hand with an emphasis on the “*Feind-Schmitt*”, that is, with Schmitt as a thinker of nothing more than the “enemy”, then one might say that this study is fundamentally opposed to the thesis that Schmitt's thought can only be grasped as political theology, see: Maschke, Günter. *Carl Schmitt in den Händen der Nicht-Juristen. Zur neueren Literatur*, pp. 104-129 in: *Der Staat* 34 (1995), p. 108. When, however, Meier elevates political theology to the status of the sole valid characterization of Schmitt's thought, he has a particular political theology in mind. The question remains open whether this

clear the importance of a philosophic-historical framework for Schmitt's anthropological considerations: the entire existence of the "double-being called human", the *Doppelwesen Mensch*, is defined by its existence in an interim. The existence of the human in this interim means that it is called upon to exercise its autonomy. Its autonomy means that it is free and its freedom is a freedom to commit acts of evil, a freedom to be "problematic". Thus, while clearly connected to *The Concept of the Political's* seventh chapter, here, as in the case of *Land and Sea*, we are confronted with a historical-philosophical anthropology which cannot be grasped in terms of mere pessimism and optimism. But what place do such alternative anthropologies have in this thought? Are they to be understood as merely parallel anthropologies, perhaps of interest, but ultimately auxiliary? The following study insists upon their centrality.

Moreover, and in addition to the alternative anthropologies which we have highlighted in *Land and Sea* and *Political Theology II*, there is a text which we may mention because of its particular importance for this study: *Roman Catholicism and Political Form*. For, it is in this text that Schmitt explicates a particularly Catholic form of rationality which he seeks to describe in its particular humanity, its "interest" in "the normative guidance of human social life"<sup>29</sup>. When Schmitt writes that "The rationalism of the Roman Church morally encompasses the psychological and sociological nature of the human being"<sup>30</sup>, this is a affirmation not only of the Church's interest in anthropology, but of its very particular understanding of human nature and the sphere of human activity. The Church represents nothing less than the "civitas humana" itself<sup>31</sup>. And indeed, it is through an analysis of the Church's particular rationality that we will gain our initial entrance to the anthropological problematic of Schmitt's thought in what I will argue are its full dimensions, namely, as a question of explicating a sphere of human activity in its particular logic.

In his inaugural lecture at the Ludwig Maximilian University in Munich, Heinrich Meier defined political philosophy according to four characteristics: its object of study as self-knowledge (*Selbsterkenntnis*), the defense of and grounding of a philosophical way of life

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particular political theology of Genesis 3:15 – the, according to Meier, core of Schmitt's anthropology! – is the only political theology in Schmitt's thought or whether there is not another political theology of which one might indeed speak as, not the, but a core of Schmitt's thought and whether this political theology does not also have, in opposition to Genesis 3:15, its complementary anthropology in the Tridentine anthropology of the human being's cloudedness (cf. ch. 1.1.2 and ch. 2.1). Elucidating on the various meanings of 'political theology' (juristic, institutional and appellative) is E.W. Böckenförde's essay *Politische Theorie und politische Theologie. Bemerkungen zu ihrem gegenseitigen Verhältnis*, pp. 16-25 in: *Religionstheorie und Politische Theologie. Band 1: Der Fürst dieser Welt. Carl Schmitt und die Folgen* (2<sup>nd</sup> improved edition), ed. Jacob Taubes, München: Fink 1985.

<sup>29</sup> Schmitt, Carl. *RC*, p. 12.

<sup>30</sup> Schmitt, Carl. *RC*, p. 13.

<sup>31</sup> Schmitt, Carl. *RC*, p. 19.

and, fourthly, political philosophy as the seat of the philosopher's self-knowledge<sup>32</sup>. Regarding the first of these Meier writes: "The object of political philosophy's study are the political things [...] Whether or not political philosophy, with regard to its object of study, merely composes a field of philosophy, it in no way has its object of study in a narrowly defined part of the reality of human life. [...] The object of political philosophy's study are thus human affairs in a comprehensive sense"<sup>33</sup>.

And indeed this is our thesis: that the most extensive meaning of Carl Schmitt's anthropological thought lies in the way he attempts not so much to define the human being, but the way in which his thought seeks to explicate the sphere of human activity<sup>34</sup>. The mediating rationality of the Catholic Church, the *Concept of the Political*, Schmitt's geopolitical and historical-philosophical theories: all these are fundamentally determined by his desire to explicate and preserve a space for human activity. In this regard Schmitt's thought is anthropocentric in the deepest sense, a contemplation of and insistence upon the importance of **human** affairs. Anthropology is not only one aspect of Schmitt's thought to which he devotes a particularly notorious chapter in *The Concept of the Political*. Anthropology is the very foundation, the constantly present though not always mentioned object of investigation at the root of some of Schmitt's most major theoretical paradigms.

## **Intr. 2. Carl Schmitt the Irrational Misanthrope - ? : a review of literature**

This study is of course not the first to suggest the possibility of an alternative approach to Schmitt's anthropology. In his 1988 essay, *On the Political Anthropology of Carl Schmitt*, Friedrich Balke has suggested that "Schmitt scholarship has in the past, it seems to me, all too often limited itself to the explication and evaluation of the few passages in his work which occupy themselves *thematically* with the relationship between politics and anthropological assumptions"<sup>35</sup>. In agreement with Balke's contention this study argues that an overly direct emphasis on *The Concept of the Political's* seventh chapter is incapable of comprehending

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<sup>32</sup> Meier, Heinrich. *Warum politische Philosophie?* pp. 11-37 in: *Politische Philosophie und die Herausforderung der Offenbarungsreligion*, München: Beck 2013, p. 16.

<sup>33</sup> Meier, Heinrich. *Warum politische Philosophie?* p. 18.

<sup>34</sup> In this sense we might say that this study wants to read Schmitt with Meier's definition of political philosophy against Meier's own interpretation of Schmitt – which focuses on Schmitt as a thinker of revelation – as a political theologian, not a political philosopher. Meier's interpretation of political philosophy's task is, of course, more nuanced than we can discuss in this study. The fact that Meier points to the place of "human affairs in a comprehensive sense" as located "between animal and god" should be noted, as it is precisely such a position which we will see in its particular importance for the correct understanding of Schmitt's anthropology. Cf. below, intr. 4.

<sup>35</sup> Balke, Friedrich. *Zur politischen Anthropologie Carl Schmitts*, pp. 37-66 in: *Die Autonomie des Politischen: Carl Schmitts Kampf um einen beschädigten Begriff*, ed. Hans-Georg Flickinger, Weinheim: VCH 1990, p. 37.

Schmitt's anthropological thought in its entirety. As Balke sees it, Schmitt's concept of the political can be read as the description of the “genesis of political self-awareness [*Selbstbewußtseins*]”<sup>36</sup>. This focus on consciousness and subjectivity is a fundamental moment for anthropological investigation of Schmitt's thought, since it moves beyond the question of Schmitt's view of human nature, focusing instead on a structure of subjectivity, which articulates itself in other, ostensibly non-anthropological categories such as sovereignty, political unity and homogeneity.

Thus, in opposition to the predominantly juridico-political interpretation of Schmitt's thought, as well as to the apparently “negative” anthropology of *The Concept of the Political's* seventh chapter, another line of interpretation has arisen and focused on the anthropological aspects of Schmitt's thought in the terms of a “political existentialism” deeply indebted to the thought of Kierkegaard and the German Romantic traditions<sup>37</sup>. Though not explicitly, Balke's study participates in the interpretive tradition of “political existentialism” in that it reads Schmitt's ostensibly realist political thought in analogy with a consciousness-oriented philosophy of the self<sup>38</sup>. The interpretive tradition of “political existentialism” occupies a position of pivotal interest for this study because it moves beyond the purely pessimistic interpretations of mainstream political interpretation while, as we will see, continuing to interpret Schmitt in terms of the decidedly violent irrationalism against which this study's concept of the human is oriented.

Political existentialist interpretations read Schmitt as a kind of late-Romantic, tracing the roots of his philosophical problematic back to Fichte and reading Schmitt into a deeply German Idealist tradition<sup>39</sup>. As prime examples of this interpretive line we now briefly examine the works of Herbert Schnädelbach, Ellen Kennedy and Peter Bürger. In his 1983 essay *Political Existentialism – to a philosophical prehistory of 1933*, Herbert Schnädelbach attempts, as the title suggests, to explain the political theories which led to the totalization of the state in National Socialist Germany, by employing the term “political existentialism.” As

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<sup>36</sup> Balke, Friedrich. *Anthropologie*, p. 54. Regarding the translation of *Selbstbewußtsein* as self-awareness see below, ch. 2.4.1.

<sup>37</sup> For an extended overview of the literature surrounding political existentialism see the introduction to Michael Großheim's work *Politischer Existenzialismus: Subjektivität zwischen Entfremdung und Engagement*, Tübingen: Mohr Siebeck 2002, the argument of which is summarized below, cf. fn. 51.

<sup>38</sup> In employing the description ‘consciousness-oriented’ to describe Balke's employment of Hegel I am drawing upon a distinction made by Habermas in *Theory of Communicative Action*, with which Habermas seeks to describe more or less the entirety of the German Idealist tradition, including Max Weber, in difference to a French/Anglo-American tradition of Durkheim and Mead. See: *Theorie des kommunikativen Handelns: Band 1*, Frankfurt a.M.: Suhrkamp 1981 (henceforth: *TkH*), p. 533-534 (alternatively *Band 2*, p. 9).

<sup>39</sup> A critical interpretation of Schmitt's thought as a 'neo-romantic' political theory is Helmut Wohlgenuth's dissertation *Das Wesen des Politischen in der heutigen neoromantischen Staatsrechtslehre*, Emmendingen 1933.

Schnädelbach himself points out, the term “political existentialism” was first used by Herbert Marcuse in 1934 to describe the “decisive moment in the totalitarian theory of the state”<sup>40</sup>: the interpretation of the political existentially and the existential politically “necessarily leads to the doctrine of the total state”<sup>41</sup>. Schnädelbach begins by going through a short survey of existentialist philosophies, in which he identifies one of the fundamental problems of existentialism in the following way:

the subjective totality of my existence can, according to [the Existentialists] only enter the picture without false objectification when its borders become visible and this occurs only in borderline situations in which it is a matter of being or not being. The practical aspect of the *bearing-of-oneself-to-oneself*, which, according to existentialism, always underlies the theoretical aspect, is always defined as a grasping-oneself, as active *self-realization*.<sup>42</sup>

The existentialist question which Schnädelbach identifies is how, and what it would mean, to exist authentically, “without false objectification”, how one can exist as an active participant and not merely as an observer which fails to grasp its entanglement in existence. “There is nothing and no one which could relieve us of the burden of defining ourselves,” writes Schnädelbach<sup>43</sup>. What Schnädelbach defines as “political existentialism” is the fact that this structure of self-definition, so central for existentialism, is transposed by Schmitt onto the political body, “that means the state”<sup>44</sup> and that in the case of the state, as in the case of the individual, the key question is that of the state's ability to realize itself. “Kierkegaard's critique of 'inauthenticity' becomes, for Schmitt, the rejection of legal positivism, which raises a given defined system of norms – the Weimar Constitution for example – to political reality as such”<sup>45</sup>. Pointing to the analogy between Kierkegaard's critique of 'inauthenticity' and Schmitt's critique of liberalism as a kind of objectified, rather than subjective-existential existence, Schnädelbach writes: “here the precedence of *Dasein* [being at all] before *Sosein* [being in a particular way] is infringed upon, because according to Carl Schmitt a collective does not exist politically in the first place or 'always already,' but rather only thereby that it decides to exist politically”, with which Schnädelbach also draws an analogy between Heidegger and Schmitt, arguing that in Schmitt's thought, as in Heidegger's, the question is

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<sup>40</sup> Marcuse, Herbert. *Der Kampf gegen den Liberalismus in der totalitären Staatsauffassung*, pp. 17-55 in: *Kultur und Gesellschaft I*, Frankfurt a.M.: Suhrkamp 1965, p. 44.

<sup>41</sup> Schnädelbach, Herbert. *Politischer Existentialismus – zur philosophischen Vorgeschichte von 1933*, pp. 346-371 in: *Zur Rehabilitierung des Animal Rationale*, Frankfurt a.M.: Suhrkamp 1992, p. 350.

<sup>42</sup> Schnädelbach, Herbert. *Politischer Existentialismus*, p. 349.

<sup>43</sup> Schnädelbach, Herbert. *Politischer Existenzialismus*, p. 348.

<sup>44</sup> Schnädelbach, Herbert. *Politischer Existenzialismus*, p. 350.

<sup>45</sup> Schnädelbach, Herbert. *Politischer Existenzialismus*, p. 351.

not about how an entity exists, but that it exists in the first place<sup>46</sup>. This differentiation between 'how' something exists and 'that' something exists, is at the core of Schmitt's decisionistic political thought in which it is more important that a decision be made than how a decision be made. Slavoj Žižek has expressed this elsewhere by pointing to the formalism of the decision, the fact that Schmitt's concern is not the specific content of the decision, but rather the question of whether a decision is made or not<sup>47</sup>. Decision making, like authentic being, is not a given, the particular contents or characteristics of which remain to be determined, but something to be attained. Pointing to *Constitutional Theory* (1928), in which Schmitt differentiates between the mere laws of the constitution (*Verfassungsgesetz*) and the constitution as the existential self-constituting of a people (*Verfassung*)<sup>48</sup>, Schnädelbach claims that existentialism's emphasis on a coming to being can also be seen in terms of the question of a people's self-determination. Schnädelbach draws further analogies between political existence as *Da-sein* and apolitical existence as *So-sein*, between Schmitt's friend-enemy differentiation and the existentialist's emphasis on the border<sup>49</sup>, as well as between the “private existentialist's 'border situation' and Schmitt's political 'state of exception'”<sup>50</sup>. Ultimately, he writes, “it is almost always a question of an unmediated politicization of existential thought through a simple formation of **analogy between the conditions of individual and political existence**”<sup>51</sup>.

Schnädelbach's basic attempt is that of drawing an analogy between the problem of

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<sup>46</sup> Heidegger, Martin. *Sein und Zeit*, Tübingen: Max Niemeyer 2006, p. 42. “The »essence« of being lies in its existence. The characters of this being which can be exhibited are, therefore, not present »characteristics« of a present being which »looks like« this or that but rather each possible ways for it to be and only that”. German original: “Das »Wesen« des Daseins liegt in seiner Existenz. Die an diesem Seienden herausstellbaren Charaktere sind daher nicht vorhandene »Eigenschaften« eines so und so »aussehenden« vorhandenen Seienden, sondern je ihm mögliche Weisen zu sein und nur das”; thus on the next page (p. 43) Heidegger writes of “the primacy of the »existentia« over and above the *essentia*”.

<sup>47</sup> Žižek, Slavoj. *Carl Schmitt in the Age of Post-Politics*, pp. 18-37 in: *The Challenge of Carl Schmitt*, ed. Chantal Mouffe, New York: Verso pp. 118-120.

<sup>48</sup> Schmitt, Carl. *Verfassungslehre* (1928), Berlin: Duncker & Humblot 1954, p. 15.

<sup>49</sup> Schnädelbach, Herbert, *Politischer Existenzialismus*, p. 351.

<sup>50</sup> Schnädelbach, Herbert, *Politischer Existenzialismus*, p. 352.

<sup>51</sup> Schnädelbach, Herbert, *Politischer Existenzialismus*, p. 353: emphasis – N.H. While I here focus on the work of Schnädelbach, Kennedy and Bürger a review of political existentialism would be incomplete without at least mentioning Michael Großheim's extensive work *Political Existentialism*. While elucidating, Großheim's argument and criticisms exceed the scope of this study, for which reason I have omitted him from this review. Noteworthy is, however, Großheim's criticism of precisely this analogizing of political and individual existence. According to Großheim, Schnädelbach's adoption of Marcuse's static model of “simple forming of analogies between the conditions of individual and political existence” “blunts” the dynamic of political existentialism and overlooks the moment of the 'leap' and its salvific character [*Erlösungscharakter*] [...] For this reason one should rather speak of a ‘jump of the individualistic into political existentialism’” (Großheim, Michael. *Politischer Existenzialismus*, p. 146). This jump into the political springs not out of a modern individualism with its constant desire for freedom, but out of an existentialist posture, with its drive to self-realization and desire to be elevated and subsumed, “*aufgehoben*”. For Schmitt, in an early phase, on the relationship between the individual and the state, see: Schmitt, Carl. *Der Wert des Staates und die Bedeutung des Einzelnen* (1914), Berlin: Duncker & Humblot 2004, ch. 3, in which Schmitt writes, albeit in more Hegelian than existentialist tones of a disappearance of the concrete individual in the state, cf. p. 86 ff.



the individual, 'private' existentialist and the public 'political' existentialist. The key to Schnädelbach's employment of the term “political existentialism” is that his use of the term “existentialism” (typically associated with individual existence) allows him to find a common structure by which to analogize the private and political spheres of existence and that, in doing so, he achieves a reading of Schmitt which indeed gives more weight to the theoretically formative role of the individual in Schmitt's political considerations. Most importantly, in drawing an analogy between self-realization in the “private” existentialist sense and the self-determination of a people in the “politically” existential sense, Schnädelbach gains a key insight into the fact that Schmitt conceives of the political entity as a self.

In her essay *Political Expressionism*, Ellen Kennedy points to Schmitt's close ties to avant-garde artistic movements<sup>52</sup>, his close relationship with Hugo Ball, whose essay *Carl Schmitts Political Theology* Schmitt would later praise as “a brilliant essay with great appeal, of a sort that I scarcely encountered again in all my life. . . . An unusual essay in all regards, regarding style as well as content”<sup>53</sup>, his longtime friendship with Theodor Däubler, as well as his own early literary production (*Silhouettes* (Schattenrisse) (1917); *Buribunken* (1917/18)<sup>54</sup>)

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<sup>52</sup> Kennedy, *Politischer Expressionismus*, pp. 233-265 in: *Complexio Oppositorum*, pp. 245-246. The relationship between Schmitt's thought and that of avant-gardistic movements has been investigated not only by Kennedy but by Trevor Stark in his article: *Complexio Oppositorum: Hugo Ball and Carl Schmitt*, pp. 31-64 in: *OCTOBER* 146 (Fall 2013). Neither of these authors, however, consider Peter Bürger's work on a *Theory of the Avante-Garde* (Frankfurt a.M.: Suhrkamp 1974). In this work, Bürger, who later himself published about Carl Schmitt, seeks to interpret the various avant-garde artistic movements (Dadaism, early Surrealism, Russian Formalism and to a lesser degree Futurism and German Expressionism) as fundamentally, or at least deeply, political movements in the sense that he sees in them a critique of the institution of art itself, understood as the critique of a conception of art or the sphere of art not only as autonomous but as essentially defined by its autonomy. Dadaistic collages and the presentation of a signed urinal insert pieces of real life into the work of art, thus violating Kant's imperative that art must appear as if created by nature. When Bürger therefore identifies in the avante-garde movements the attempt to critique the very institution of art itself, the idea that the work of art is autonomous, this is to be understood as no less than the “radical critique of occidental rationalism à la Max Weber” (*Complexio Oppositorum*, p. 253), the critique of the preceding four hundred years of European intellectual history. For a closer analysis of the relationship between the logics of Schmitt and the artistic avant-garde, it would be essential to consider Bürger's differentiation between self-critique (*Selbstkritik*) and system-immanent critique: “System-immanent critique within the institution of religion is critique of particular religious ideas in the name of other ideas. In contrast to this, self-critique presupposes a distance to the warring religious ideas. This distance is, however, only the result of a fundamentally more radical critique – the critique of the institution of religion itself. [...] Dadaism, the most radical movement within the European avant-garde no longer criticizes preceding artistic developments but rather the *institution of art* as it has developed in civil society” (Bürger, Peter. *Theorie der Avantgarde*, pp. 28-29). The difference between system-immanent and self-critique is of relevance, firstly, for an understanding of Schmitt's concept of the political in its nature as an inner-human affair, as fundamentally civil war, secondly, because this vision of the political is obtained only via a certain distance from the events (see below, ch. 2.3.) and, thirdly, because Schmitt's concept of the human only becomes fully visible when grasped as a system-immanent critique (see below, ch. 4) of western liberal ‘humanity’ as a violently exclusivist concept.

<sup>53</sup> Joachim Schickel, *Gespräch über Hugo Ball* (1970) pp. 31–56, 92–163, in: *Gespräch mit Carl Schmitt*. Berlin: Merve 1993, p. 33.

<sup>54</sup> Schmitt, Carl. *Die Buribunken* in: *Summa 1:4* (1917/1918), pp. 89-106; for the “Schattenrisse” see: Villinger, Ingeborg. *Carl Schmitts Kulturkritik der Moderne: Text, Kommentar und Analyse der “Schattenrisse” des*

and self-description years later as “Dada avant la lettre”<sup>55</sup>. Hence Kennedy's replacement of political existentialism with political expressionism. It may also be noted that, in his 1994 Schmitt biography, Paul Noack called for increased attention to these works and the artistic-aesthetic aspect of Schmitt's thought which they represent<sup>56</sup>. Regardless of the title and focus on Schmitt's artistic interactions, Kennedy also argues that there exists an analogy between the Kierkegaardian (Romantic) conception of the individual and the state in terms of their conditions of existence. Analogizing the publicity of the political with the expressionistic act of deciding, that is, of breaking through the chaos of internal feelings into the realm of concrete action, Kennedy argues that Schmitt's political vision is deeply rooted in the structure of the existential individual. She writes:

What the meaning of its life [*Sinn seines Lebens*] was for the individual, was the meaning of the spiritual foundations of political authority for the state. Just like the individual, so too the state, exposes itself in the moment of the exception through its decision. This is the source of Schmitt dependence upon the Kierkegaardian concept of 'the other,' the decision, 'the seriousness,' 'the individual,' the 'simultaneity' and the decisive 'either/or' division, valid for the entirety of Schmitt's political thought<sup>57</sup>.

In the same vein as Kennedy, Peter Bürger writes in his essay *Carl Schmitt: or the Foundation of the Political in the Aesthetic*, “the scandal of Carl Schmitt's writings seems, to me, to lie therein that he conceives of a political theory drawn out of this [Romantic] world view”<sup>58</sup>. Bürger argues that, while Schmitt seems to deny any and all connection to the aesthetic conception of the Romantic artist<sup>59</sup>, this is only the case because Schmitt's truly aesthetic interest lies in a more fundamentally aesthetic form than “the traditional aesthetic concept of form” as one finds in Lukács<sup>60</sup>. Bürger goes on to say that:

In the case of Carl Schmitt it is different: for him, form is precisely a dynamic principle: formation, the act of the realization of a norm. [...] the concept of the legal form is thus not the result of an act, but rather the act of the decision. [...] That the correspondence between Carl Schmitt's juristic concept of form and the modern aesthetic concept of form is more than an analogy is visible as soon as one clarifies the systematic value of the category of the decision

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*Johannes Negelinus*, Berlin: Akademie 1995.

<sup>55</sup> Cit. in: Werner-Müller, Jan. *A Dangerous Mind*, p. 19.

<sup>56</sup> Noack, Paul. *Carl Schmitt: eine Biographie*, Berlin/Frankfurt a.M.: Propyläen 1996, p. 25 f.

<sup>57</sup> Kennedy, *Politischer Expressionismus*, pp. 245-246.

<sup>58</sup> Bürger, Peter. *Carl Schmitt oder die Fundierung des Politischen auf Ästhetik*, pp. 170-176 in: *Zerstörung, Rettung des Mythos durch Licht*, ed. Christa Bürger, Frankfurt a.M.: Suhrkamp 1986, p. 174.

<sup>59</sup> Regarding Schmitt's rejection of aestheticism see: Mehring, Reinhard. *Die Überwindung des Ästhetizismus*, pp. 125-147 in: Athenaeum. Jahrbuch für Romantik, vol. 16 (2006).

<sup>60</sup> Bürger, Peter. *Carl Schmitt*, p. 171.

within Schmitt's theory<sup>61</sup>.

In this concept of the decision, “just as the ingenious artists frees himself from the prescribed rules, so the decision in Schmitt's thought frees itself from ties to the norm”<sup>62</sup>. “While the concept of the absolute in Schmitt's thought no longer points to the subject/object-identity of idealist speculation, the decision (like the act of the genius) is understood as a naturally spontaneous action which opposes all rational calculation”<sup>63</sup>.

It is the merit and achievement of the political existentialist line of interpretation to have countered the mainstream, pessimistic reading of Schmitt's thought which generally limits itself to Schmitt's “anthropological confession” and to have revealed the deeply Romantic roots of Schmitt's thought in their anthropological importance. Yet, while these studies attempt to unearth the deeply lying anthropological and philosophical aspects of Schmitt's thought in apparent opposition to the dominant reading, it also becomes apparent that such an opposition is only partial. The appearance of opposition is not only rooted in the explicit argument of such studies themselves, but also in the fact that such studies have often been criticized by more juridico-politically oriented interpreters as guilty of removing Schmitt's thought from its concrete theoretical context, the juncture and gray zone between law and politics. The political-existentialist interpretation is portrayed as a wild interpretation, too heavily influenced by Critical Theory and not well-versed enough in the vocabulary of legal studies. The danger becomes that of ‘destabilizing’ or ‘distorting’ Schmitt's thought<sup>64</sup>.

That the opposition is, however, only apparent, that is, that a political existentialist interpretation ultimately underscores the pessimistic-decisionistic anthropological interpretation of Schmitt's thought becomes clear once one notes the particular way in which political existentialism carries the implicit argument that Schmitt's theory is to be understood primarily as a theory of subjectivity. This subjectivity à la Kierkegaard is a decisionistic subjectivity intent on retrieving a point of contact with the real world. It asks why modernity is incapable of providing true meaning to life and arrives at the conclusion that only a radical decision, a leap of faith, is capable of bridging the abyss between the subjectivity and the world. Such a subjectivity necessarily presents itself as the subjectivity of a, while not evil, certainly problematic or dangerous anthropology. The anthropology provided by examinations of Schmitt's deeply existentialist expressionism is a radical one, formulated around a rhetoric of violence, pain and suffering as watermarks of the real, visceral contact with an otherwise

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<sup>61</sup> Bürger, Peter. *Carl Schmitt*, p. 171.

<sup>62</sup> Bürger, Peter. *Carl Schmitt*, pp. 172-173.

<sup>63</sup> Bürger, Peter. *Carl Schmitt*, p. 173.

<sup>64</sup> See: Maschke, Günter. *Carl Schmitt in den Händen der Nicht-Juristen*.

alienated external world. It is in their underscoring of the violence in Schmitt's thought that the dominant politico-juristic and the existential expressionist reading overlap with one another. For, as Habermas makes clear in *The Horrors of Autonomy* the liberal order is absolutely incompatible with Schmitt's "fascist" politics in which war "has a strange, vitalistic aura"<sup>65</sup>. In short, a reading of Schmitt through the lens of political existentialism or expressionism does not, ultimately, oppose the dominant politico-juristic, but rather only explicates the radically irrationalist foundation of Schmitt's tyrannical political conceptions. Thus, the following study's anthropological attention to the concept of the human nonetheless orients itself against such existentialist readings as well because, while escaping a purely pessimistic reading, they continue to support the idea of Schmitt as an irrationalist, failing to consider that Schmitt's apparent irrationalism has perhaps its own kind of rationality.

It is this emphasis on the radical, the decision, the rupture, differentiation, exclusion, violence and myth which has characterized almost all scholarship which, be it explicitly or implicitly, concerns Schmitt's anthropology. While participating in neither the mainstream political-pessimistic nor the political-existentialist interpretive lines, there are two further studies which merit some attention, in particular because they explicitly thematize Schmitt's anthropology. The first is Rüdiger Kramme's 1989 work *Helmuth Plessner and Carl Schmitt*, in which Kramme compares Schmitt's thought with Plessner's Philosophical Anthropology, ultimately arriving at the conclusion that Schmitt and Plessner could be said to formulate one single anthropology and text<sup>66</sup>. Given our coming discussion of Philosophical Anthropology's relevance for a concept of the human (Intr. 4), a comparative study of Plessner and Schmitt could, it might seem, provide a particularly good position from which to analyze Schmitt's concept of the human. Yet, as close as Kramme brings Schmitt and Plessner into relationship with one another, he clearly does so along the lines of the widespread decisionistic model<sup>67</sup>. His emphasis on the decisionistic model is stated explicitly when he writes that "representative [for the parallels between Schmitt and Plessner] is the anthropologization and hypostatizing of the category of the decision"<sup>68</sup>. The second work is Ruth Groh's *At Work on the Hopelessness of the World: to Carl Schmitt's political-theological mythology and*

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<sup>65</sup> Habermas, Jürgen. *Der Gespaltene Westen*, Frankfurt a.M.: Suhrkamp 2004, p. 104.

<sup>66</sup> Kramme, Rüdiger. *Helmuth Plessner und Carl Schmitt: eine historische Fallstudie zum Verhältnis von Anthropologie und Politik in der deutschen Philosophie der zwanziger Jahre*, Berlin: Duncker & Humblot 1989: "Helmuth Plessner's philosophical anthropology and Carl Schmitt's political theory are to be read in their political context as one text", p. 9.

<sup>67</sup> Kramme's study is not the only one which addresses Schmitt's relationship to Plessner but which nonetheless continues to reinforce a violent decisionistic reading of Schmitt's thought, see: Bielefeldt, Heiner. *Kampf und Entscheidung: politischer Existentialismus bei Carl Schmitt, Helmuth Plessner und Karl Jaspers*, Würzburg: Königshausen & Neumann 1994.

<sup>68</sup> Kramme, Rüdiger. *Helmuth Plessner und Carl Schmitt*, p. 18.

*anthropology*, published in 1998<sup>69</sup>. Groh's work is well attuned to the political theological questions at work in Schmitt's anthropological concerns and does a good job of covering much of Schmitt's thought not included in Kramme's study, devoting substantial attention to Schmitt's Hobbes interpretation. The anthropology in which Groh's reading results is clearly different from a realist-political anthropology. Yet, what Groh emphasizes is a reading of Schmitt as an expressionistic irrationalist, whose thought is driven by a "Primacy of the Will over Reason"<sup>70</sup>. In short, while supposedly read against the juridico-political interpretation of Schmitt, Groh's and, to a lesser extent, Kramme's both underscore the same dominant authoritarian sovereignty oriented scholarship which characterizes the realist-political reading. Ultimately the opposition of a mythological, irrational decisionism (Groh) and a political, objectivist-rational decisionism (Habermas et al.) is subsumed by their commonality, namely, that the understanding of Schmitt they produce is decidedly decisionistic and radically pessimistic.

The conjunction, or perhaps origin, of a mainstream pessimistic reading and an existentially irrationalist reading is presented with nearly pristine clarity if we consider the early and fundamental interpretation of Schmitt's thought offered by Karl Löwith in his 1933 essay *The Occasionalistic Decisionism of Carl Schmitt*. To put it plainly: it is fundamentally against Löwith's interpretation of Schmitt which this study will argue its anthropological thesis of a concept of the human. The extensive influence of Löwith's reading will become clear when we consider the fact that, whether attempting to take Schmitt's political existentialism seriously or critiquing it as a danger to political liberalism, both positive and negative reception of Schmitt's anthropological thought has unproblematically presupposed this irrational core of Schmitt's thought as the basis of his pessimistic decisionism<sup>71</sup>. The title of Löwith's critique, "occasionalistic decisionism", is a reference to Schmitt's critique of "subjective occasionalism" in *Political Romanticism*. What Löwith seeks to show is that, in spite of his virulent critique of Romanticism in *Political Romanticism*, Schmitt's critique of

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<sup>69</sup> Groh, Ruth. *Arbeit an der Heillosigkeit der Welt: zur politisch-theologischen Mythologie und Anthropologie Carl Schmitts*, Frankfurt a.M.: Suhrkamp 1998.

<sup>70</sup> Groh sees this "Primacy of the Will over Reason", the subtitle of her work's seventh chapter, primarily in Schmitt's affirmation of mythical reality, for example, when, in *Don Quijote und sein Publikum*, Schmitt ascribes to Don Quijote the following line: "I believe in my Dulcinea because it does not matter whether she exists" (*Don Quijote und sein Publikum*, pp. 348-350 in: *Die Rheinlande*, vol. 22 (1912), p. 349). Cf. also Schmitt's citation of Mussolini in the fourth chapter of *Die geistesgeschichtliche Lage des heutigen Parlamentarismus* (2<sup>nd</sup> edition 1926), Berlin: Duncker & Humblot 1969. Henceforth: *Parlamentarismus*) as well as Schmitt's "conceptual realism", i.e. the belief that concepts really exist, cf. Groh, Ruth. *Heillosigkeit der Welt*, p. 244.

<sup>71</sup> The negative effects of the centrality of Löwith's essay, not, that is to say, its 'incorrectness', but rather the limitedness of its reading, have been noted by both Friedrich Balke (*Anthropologie*, p. 37) as well as by Mariano Croce and Andrea Salvatore (*The Legal Theory of Carl Schmitt*, Oxon and New York: Routledge 2013, see: pp. 24-25 and, in particular, the endnote to this passage, p. 175 endnote 8).

Romanticism is condemned to be a critique of his own thought and that, as Löwith puts it, “Schmitt characterizes not least of all himself, because his own decisionism is occasionalist”<sup>72</sup>.

In order to understand Löwith's critique of Schmitt's decisionism, it is necessary for us to briefly acquaint ourselves with the argument and critique of Romanticism which Schmitt formulates in *Political Romanticism*. First published in 1919, *Political Romanticism* is a work which, in preparing the nexus of the Romantic, the bourgeois<sup>73</sup> and political liberalism so central for Schmitt's early work, can be seen as a thematic prequel to *Political Theology*'s publication in 1922. In this work, Schmitt focuses on outlining an ideal type of the political Romantic which he sees most incarnate in the publicist Adam Müller and philosophically manifest in the thought of Novalis. Schmitt argues that this Romantic type is driven by a fear of the concrete, a desire for “eternal discussion” (*ewiges Gespräch*)<sup>74</sup>. He argues that these Romantics were not only averse to political engagement but that their thought is actively oriented towards a systematic avoidance of any and all concrete political engagement. When they do engage in politics, it is not out of substantive beliefs, but rather a sense of adventure. Instead of concrete action, they wished themselves an eternal discussion in which they could constantly amend any and all definitive statements. Thus, it would therefore seem that Schmitt's decisionism, with its emphasis on the “serious case” (*Ernstfall*), stands in absolute contrast to such Romantic indecision.

What Löwith intends with his critique of Schmitt's own Romanticism becomes clearer

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<sup>72</sup> Löwith, Karl. *Der okkasioneller Dezisionismus von Carl Schmitt*, pp. 93-126 in: *Gesammelte Abhandlungen. Zur Kritik der geschichtlichen Existenz*, Stuttgart: Kohlhammer 1960, p. 97.

<sup>73</sup> The complexity of Schmitt's polemic relationship to the bourgeois (see: *Staatsgefüge und Zusammenbruch des zweiten Reiches. Der Sieg des Burgers über den Soldaten*, Hamburg: Hanseatische Verlagsanstalt 1934) undoubtedly lies very much therein that Schmitt was himself a bourgeois and that a vast portion of anti-bourgeois thought stemmed from within the bourgeois itself. “Ernst Jünger, Carl Schmitt and Martin Heidegger belong to that generation which grew up in the years before the First World War in an atmosphere of bourgeoisie security and welfare like almost no generation before, and yet rebelled against precisely this ‘atmosphere’” (von Krockow, *Die Entscheidung* p. 1). But the complexity grows when one also considers that a conservative, anti-western writer and “conservative revolutionary” such as the young Thomas Mann utilized a rhetoric of the bourgeois for the very purpose of criticizing liberal democracy as eccentric, artistic free-spiritedness. Schmitt has been identified as a fundamentally bourgeois theoretician by Ingeborg Maus, *Bürgerliche Rechtstheorie und Faschismus: Zur sozialen Funktion und aktuellen Wirkung der Theorie Carl Schmitts* (München: Fink 1976). In particular one must pay attention to the ways in which Schmitt himself voices his support for the bourgeois as a conceptual idea, that is, the bourgeoisie epoch, which spans from the 17th to 20th century. That Schmitt proclaims himself “the last conscious representative of the *jus publicum europaeum*” (*Ex Captivitate Salus. Erfahrungen der Zeit 1945/47* (henceforth: *ECS*), Köln: Greven 1950, p. 75) is another way of saying that he is the last conscious representative of the bourgeois legal form. Regarding the closely related but by no means identical problem of Schmitt's ambivalent relationship to liberalism – there is, of course, an anti-democratic, anti-liberal, *bürgerlichen* civil-servant state – see Schmitt's appreciative essay *Hugo Preuß – sein Staatsbegriff und seine Stellung in der deutschen Staatslehre*, (*Recht und Staat in Geschichte und Gegenwart*, Heft 72), Tübingen: Mohr Siebeck 1930.

<sup>74</sup> Schmitt, Carl. *Politische Romantik* (henceforth: *PR*), Berlin: Duncker & Humblot 1968, p. 121. See also: Schmitt, Carl. *Politische Theologie* (1922; foreword to the 2<sup>nd</sup> edition 1934; henceforth: *PT*), Berlin: Duncker & Humblot 2009, p. 59.

if we turn to the term Schmitt employs to describe the fundamental character of Romanticism: “subjective occasionalism”. The term subjective occasionalism is drawn, as Schmitt writes, from theological occasionalism, originally conceived of as a solution to problems raised by Descartes’ “differentiation between the internal and the external, soul and body, *res cogitans* und *res extensa*”<sup>75</sup>, which led to “the logical and metaphysical difficulty of bringing the two into a unified action and explaining the interaction between soul and body”<sup>76</sup>. In response to this problem:

The occasionalist solution attempted in the systems of Geraud de Cordemoy, Geulneux and Malebranche eliminated the difficulties in that they regarded God as the true cause of each and every psychic and physical process. God caused the inexplicable congruence of spiritual and corporal phenomena; everything, the process of consciousness, the drive of the will and the movement of muscles are mere occasion for divine activity [*bloßer Anlaß für Gottestätigkeit*]<sup>77</sup>.

“The peculiarity of romantic occasionalism lies therein that the main factor of the occasionalist system, God, is subjectivized”<sup>78</sup>. Schmitt criticizes the political Romantic for adopting an occasionalist view of the world, the difference being, of course, that the political Romantic is not God. The connection between political Romanticism and liberalism then becomes clear when Schmitt writes that “In the liberal bourgeoisie world, the singular, isolated and emancipated individual becomes the center, the last authority, the absolute” and the Romantic falls under “The illusion of being God”<sup>79</sup>. Thus, “any concrete point of the external world can be the ‘elastic point’, that is, the beginning of the romantic novel, the occasion for the adventure, the point of contact for the fantastic game”<sup>80</sup>, a basic instinct which Schmitt sees clearly formulated in the following aphorism from Novalis: “All coincidences of our life are material with which we can do what we wish, everything is the first link [...] the beginning of an endless novel”<sup>81</sup>. The completely arbitrary nature of this Romantic occasionalism means, for Schmitt, that “because any concrete particularity can be the *occasion* of an incalculable effect, the sight of an orange the occasion for Mozart to compose the duet ‘*la ci darem la mano*’, for example”, the Romantic ultimately loses all

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<sup>75</sup> Schmitt, Carl. *PR*, p. 124.

<sup>76</sup> Schmitt, Carl. *PR*, p. 124.

<sup>77</sup> Schmitt, Carl. *PR*, pp. 124-125.

<sup>78</sup> Schmitt, Carl. *PR*, pp. 140-141.

<sup>79</sup> Schmitt, Carl. *PR*, p. 141.

<sup>80</sup> Schmitt, Carl. *PR*, p. 139.

<sup>81</sup> For a lengthier discussion of the novel in Romantic thought see: Blumeberg, Hans. *Die Lesbarkeit der Welt*, Frankfurt a.M.: Suhrkamp 1989, p. 233ff.. In particular see: pp. 237-238.

contact with reality and inhabits the world in a “relation of the fantastic”<sup>82</sup>.

In order to reveal the secretly occasionalist nature of Schmitt's thought, its own “relationship of the fantastic” (*Relation des Phantastischen*), Löwith begins by pointing to the intellectual predecessors of Schmitt's decisionistic critique of the bourgeoisie: “The first to confront the bourgeoisie and romantic way of life with such a ‘decision’ were Marx and Kierkegaard”<sup>83</sup>. Focusing more heavily on Kierkegaard than on Marx, Löwith describes the same basic similarities which we have just described in the works of Schnädelbach and Kennedy. Löwith's main point of critique, however, lies in revealing not the similarities, but what he sees as the fundamental difference between Kierkegaard and Schmitt. Löwith argues that Kierkegaard's decisionism, however isolated the individual may be, is fundamentally theological, while Schmitt's thought fundamentally “untheological,” “profane” and “without theological foundation like Kierkegaard's”<sup>84</sup>. Because Schmitt's thought lacks a theological foundation, he failed to see that even the decisionism of Donoso Cortés, whom Schmitt himself describes as radically decisionistic and whom Schmitt both admires and draws upon, was also always grounded in a concrete source of authority, whether God or the pope, upon whose authority Donoso Cortés counted for the certainty that he was always deciding *correctly*<sup>85</sup>. Löwith's critique centers around the fact that without an external source of justification, Schmitt's decisionism can only but fall into the same arbitrary occasionalism for which he criticizes the Romantics. Indeed, according to Löwith, Schmitt's ultimate Romanticism lies therein that it is nothing more than a “decision for decisiveness” (*Entscheidung für Entschiedenheit*<sup>86</sup>) without regard for the contents of this decision. While

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<sup>82</sup> Schmitt, Carl. *PR*, pp. 120-121.

<sup>83</sup> Löwith, Karl. *okkasioneller Dezisionismus*, p. 97.

<sup>84</sup> Löwith, Karl. *okkasioneller Dezisionismus*: “untheological” p. 93; “without theological foundation” p. 97; “profane” p. 100. Mika Ojakangas has noted that there is an implicit “ethical moment, the moment of personal responsibility, inherent in [Schmitt's] early [decisionist] theorizing” (*The Sacred Origins of Law*, pp. 34-54 in: *Telos* no. 147 (Summer 2009), p. 40). Clearly such a moment of “personal responsibility” fails to satisfy Löwith's desire for an objectively identifiable and secure source of the decision. The question is nonetheless posed whether Löwith's demand does not ultimately result in a disqualification of “personal responsibility” as an ethical category.

<sup>85</sup> Löwith, Karl. *okkasioneller Dezisionismus*, p. 101.

<sup>86</sup> Löwith, Karl. *okkasioneller Dezisionismus*, p. 103. Interesting to note here is the convergence of critiques by Löwith, who writes from a Liberal perspective, and Leo Strauß, who critiques Schmitt for his liberalism, a liberalism which he identifies therein that, while criticizing liberalism for its substantive, moral neutrality, Schmitt himself adopts a position of neutrality regarding concrete morality: “Let us now make thoroughly clear what the affirmation of the political in disregard of the moral, the primacy of the political over the moral, would signify. Being political means being oriented towards the ‘dire emergency’. Therefore the affirmation of the political is the affirmation of fighting as such, wholly irrespective of *what* is being fought *for*. In other words: he who affirms the political as such comports himself *neutrally* towards all groupings into friends and enemies”; thus Strauß writes of an “eagerness for *any* decision *regardless of content* [...] He who affirms the political as such respects all who want to fight; he is just as *tolerant* as the liberals – but with the opposite intention”, Strauss, Leo. *Notes on Carl Schmitt. The Concept of the Political*, trans. J. Harvey Lomax, pp. 97-122 in: Schmitt, Carl. *The Concept of the Political: expanded edition*, Chicago: University of Chicago Press 2008, p. 120.



Löwith does not write explicitly of a pessimistic anthropology in Schmitt's thought, his reading of Schmitt is conducive to such a reading. It posits a decision oriented individual whose sole purpose lies in subduing (read: detesting) the chaotic masses, the kind of reading that Habermas has suggested when he wrote of Schmitt's "caesarian" politics<sup>87</sup>. Because it lacks any and all rational grounding, Schmitt's decisionism must inevitably become the justification for, as Christian Graf von Krockow has argued, dictatorship<sup>88</sup>. While this anthropology is not far fetched it remains incomplete, an incompleteness which will become clearer once we have revealed the, far from lacking and in reality, central position of a concept of human rationality in Schmitt's thought.

### **Intr. 3. Theses, Scope and Structure**

In order to develop this study's overarching thesis regarding the concept of the human as the explication of a sphere of human activity and its particular logic, we will proceed in two main steps.

Firstly, we will begin by establishing the presence of a, while unsystematic, coherent concept of the human. The identification of this concept will serve as the conceptual basis upon which we will later (ch. 2 and 3) be able to describe the relationship between Schmitt's concept of the political as well as philosophy of history and a sphere of human activity.

In establishing this concept of the human our investigation will be focused not on the human being as such, but on the human as a larger conceptual category. Thus, while drawing substantially on political-existentialist interpretations, this study is not interested in defining an anthropological model like the romantic poet, which might serve as the model for Schmitt's own theorization of the sovereign, nor in speaking of a homo politicus, a zoon politikon or an animal rationale. The concept of the human which this study wants to develop is a category which should serve as a critical model by which phenomena beyond that of the individual human being can be interpreted and judged in their 'humanity'. Naturally, such a concept of the human as a conceptual category stands in proximity to an analysis of the human being as a concrete, physical individual. But we must keep the two apart because only when grasped as a category and not as a concrete being will the concept of the human allow us to draw together the various, sometimes disparate strains which we nonetheless want to consider as a cohesive,

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<sup>87</sup> Habermas, Jürgen. *Die Schrecken der Autonomie*, pp. 101-114 in: *Eine Art Schadensabwicklung*, Frankfurt a.M.: Suhrkamp 1987, p. 113. Originally published in: *Babylon. Beiträge zur jüdischen Gegenwart*, I, 1986, pp. 108-119. Published in English translation with the title *Sovereignty and the Führerdemokratie* in: *The Times Literary Supplement*, September 26<sup>th</sup>, 1986.

<sup>88</sup> Krockow, Christian Graf von. *Die Entscheidung. Eine Untersuchung über Ernst Jünger, Carl Schmitt, Martin Heidegger*, Stuttgart: Ferdinand Enke 1958: "Schmitts definitions are, however, by no means meaningless [sinnlos], but rather have a very specific meaning: delivering a foundation for dictatorship", p. 61.

coherent aspect of Schmitt's thought. John McCormick's 1999 *Carl Schmitt's Critique of Liberalism: Against Politics as Technology* serves as a prime example of how such a category can be employed to understand Schmitt's thought. In this work McCormick reads Schmitt's thought as a polemic against the "technologization" of politics, the fear of and response to the idea that politics lose its particular humanity and become nothing but administration<sup>89</sup>. Such an analysis is, while not explicitly anthropological, nonetheless rooted in a concept of the human because its argument revolves around the critique of liberalism as technological and therefore inhumane. Seen in this way it becomes possible to ask whether a given concept of rationality, of the political or of history retain a "human" nature. In this regard the category of the human is, like the political, without a concrete field of study.

In opposition to mainstream pessimistic political-existentialist interpretations, this study will argue that the category of the human to be found in Schmitt's thought is fundamentally rational in nature. In particular this study will argue that Schmitt's reflections on rationality, his polemic against both modern, technical (ir)rationality as well as the fantastic irrationalism of the Romantic poet, are guided by his search for a mediating, 'human' rationality. The identification and description of this discourse on rationality in its importance for Schmitt's anthropological concept of the human will be the focus of the **chapter 1**. In light of its central importance, it is helpful to briefly reflect upon this point in advance.

Schmitt's critique of modern rationality and his attempt to conceptualize a new form of rationality has been approached by Catherine Colliot-Thélène in her essay *Carl Schmitt versus Max Weber: Juridical Rationality and Economic Rationality*. In this essay Colliot-Thélène argues that "Interpreted appropriately – that is, condensed to its political essence – Catholicism embodies a kind of rationality which our contemporaries are unable to understand"<sup>90</sup> and that "In the strikingly anachronistic Catholicism which he sketches in *Römischer Katholizismus*, he seeks both a concept of scientificity and a mode of social rationality"<sup>91</sup>. Colliot-Thélène makes clear the implications of understanding this concept of rationality when she then writes that:

There is indeed a readily discernable continuity, one which leads from the thematics of visibility of the Church, – that is, the manifestation on earth of a transcendent God, already developed in a pamphlet published by Schmitt in 1917 – to that of representation or form, as we find it in *Römischer Katholizismus* or *Politische Romantik*, and even later, in the 1950's, to the

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<sup>89</sup> McCormick, John. *Carl Schmitt's Critique of Liberalism: Against Politics as Technology*, Cambridge: Cambridge University Press 1999.

<sup>90</sup> Colliot-Thélène, Catherine. *Carl Schmitt versus Max Weber: Juridical Rationality and Economic Rationality*, pp. 138-154 in: *The Challenge of Carl Schmitt*, p. 146.

<sup>91</sup> Colliot-Thélène, Catherine. *Carl Schmitt versus Max Weber*, p. 147.

concept of *nomos*<sup>92</sup>.

The specific continuity which she suggests aside, her suggestion is clear and it is central to this study's approach: firstly, there is a concept of rationality in Schmitt's thought and, secondly, this concept of rationality is, while explicated most strongly in *Roman Catholicism and Political Form* (1923), present throughout Schmitt's thought. In addition to expanding her thesis which, she admits, she did not have the space to expound upon fully<sup>93</sup>, the following study wishes to give this form of rationality a conceptual name and, in doing so, draw other aspects of Schmitt's thought into its proximity: the human. In Colliot-Thélène's essay are collected many of the themes with which we will be interacting, not only the very basic argument for a theory of rationality in Schmitt's thought and its relationship to the juristic, but also: the thereby revealed relevance of practical philosophy for Schmitt's thought, the relationship between the human and the juristic, the role of this rationality in Schmitt's later thought and the debate which it raises regarding the legitimacy of occidental rationality's claim to be called rational.

In order to explicate this concept of rationality which underlies Schmitt's concept of the human we will also turn to Schmitt's text *Roman Catholicism* (1923) in which Schmitt connects the human with the rational and the rational with the human. In this work, as we will see, Schmitt critiques two forms of thought which he sees as indicative of the crisis of the modern age: technical thought and romantic thought. In response to these irrationalities Schmitt attempts to explicate what he calls the "particular rationality" (*besondere Rationalität*) of the Catholic Church. This "particular rationality" is explicitly described in terms of its particularly human nature. Proceeding from this description, the following study will argue that the full dimensions of Schmitt's anthropological thought can only be understood when this particular rationality of the Catholic Church is grasped in its descriptive function for Schmitt's concept of the human. To describe this concept of rationality is, in other words, a way of accessing an otherwise not immediately apparent region of his anthropology. The link between rationality and the human which this study will pursue is certainly invested in arguing that Schmitt's vision of the human being is that of a rational being. At the same time, it is not interested in a theory of the *zoon logikon* or animal rational. For, while the capacity of human beings to think and, in doing so, differentiate themselves from a life of pure instinct, is a central insight for understanding why Schmitt rejects the technical form of rationality which dominates modernity, it nonetheless remains a theory fixated on the idea of

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<sup>92</sup> Colliot-Thélène, Catherine. *Carl Schmitt versus Max Weber*, p. 150.

<sup>93</sup> Colliot-Thélène, Catherine. *Carl Schmitt versus Max Weber*, p. 150.

defining the concrete individual human being rather than the very category of ‘the human’.

The rationality which Schmitt seeks to assign to the human is characterized by its qualitative nature as a middle position, that is, by its occupation of a position between abstract rationalism and fantastical irrationalism, between a thoroughly technologized world and the arbitrary fantasy of a poet. The greatest difficulty in describing this concept of rationality is its vagueness, its tendency to merely claim the possession of a golden middle without explicating the structure and contents of this rationality, its tendency to be a “sense of proportion” and to revert to mysticism, its lack of grounding. Thus, while essentially an argument against Löwith’s criticism of occasionalist decisionism, this study simultaneously concedes that a lack of grounding can be seen as the fundamental problem for a reading of Schmitt’s conception of rationality. Where this study fundamentally opposes Löwith’s critique is, as we will explore in chapter 2, in his conclusion that a lack of theoretical grounding can be equated with the absence of a serious and fundamental attempt on Schmitt’s part to formulate said concept of rationality.

In light of this problem it is important that we make clear the field of scholarship in which this study wants to place itself and the consequent scope of its argument. The following study is not to be understood as a theory of rationality in its own right, nor is it an argument for the rightness of a Schmittian theory of rationality, nor will it seek to reconstruct Schmitt’s reflections on rationality to the level of a full-fledged, absolutely coherent theory. While the concept of rationality implicit in Schmitt’s thought will be placed in relation to other conceptions of rationality it nonetheless remains a text-immanent study interested in tracing and describing the presence of a concept of rationality in Schmitt’s thought, not in putting forth a theory of rationality of its own. Furthermore, this study’s interest does not lie in the seemingly hopeless task of providing an overview of Schmitt’s work as a whole<sup>94</sup>. Thus, while we will interact with both Schmitt’s earlier and later works, the works selected for the focus of this study remain a selection, intended to support this study’s interest in a concept of the human. It is for this reason, that we may also justify this study’s choice of *Roman Catholicism* as its main point of reference for the identification and development of this theory of rationality. While Stefan Breuer is certainly correct to argue that *Roman Catholicism* cannot be seen as the one and only key to Schmitt’s thought, this study’s interest lies in the revelation of a particular aspect of Schmitt’s thought with the power to critically elucidate an otherwise

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<sup>94</sup> The seemingly endless possible perspectives of Schmitt interpretation (see: Galli, Carlo *La Genealogia della Politica*, Bologna: Il Mulino 1996, pp. V-VII for a listing of these) has led Jan Werner Müller to the conclusion that “there is no such essence”, see: *A Dangerous Mind*. Günter Maschke is, of course, of another opinion; see: *La Rappresentazione Cattolica: Carl Schmitts Politische Theologie mit Blick auf italienische Beiträge*, pp. 557-575 in: *Der Staat* 28 (1989), p. 573.

largely unidentified character of his work, not in explaining Schmitt's thought as a whole<sup>95</sup>. In its primarily theoretical, meta-juristic interest, this study will also forego an in depth historical contextualization of Schmitt's thought, a lack which one may well criticize given Schmitt's own emphasis on his writings' embeddedness in concrete political situations<sup>96</sup>, but which, it seems to me, cannot merely be employed in order to discredit the equally concrete presence of a theoretical continuity stretching from early to late works.

Naturally, the concept of rationality which will be identified is not that of modern, progressivist, 'enlightenment' rationality. To a certain extent, Schmitt's concept of rationality participates in the project with which Arthur Moeller van den Bruck once described his life's work: "combating the Ratio with all the weapons of the Ratio"<sup>97</sup>. Pursuing a discourse on rationality in Schmitt's so ostensibly irrationalist, mythological, voluntarist thought, in which there seems to be a "Primacy of the Will over Reason"<sup>98</sup> may seem ill-advised. And yet the discourse on rationality which plays out in Schmitt's thought is, as we will see, not so much a matter of irrationality against rationality, but of the very initial question of which form of thought will be awarded the right to call itself rational. Such an argument is not an apology for irrationalism, but the attempt to understand Schmitt's thought in its own terms and belongs to the text-immanent nature of this Schmitt-study. Historically speaking, this is further substantiated if one considers that Schmitt was far from alone in his critique and attempt to conceive of an alternative form of rationality; names like, Lukács, Adorno and Horkheimer belong to this tradition, whether descriptively or critically, and Schmitt to theirs<sup>99</sup>. Indeed, the centrality of understanding Schmitt's concept of rationality has been pointedly suggested by Helmut Spinner when he stated that:

With the "bankruptcy of the idées générales" Carl Schmitt provided, for all these developments, the keyword which makes him the antagonist of Max

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<sup>95</sup> Regarding an over emphasis on *Roman Catholicism* as a text and a non-dualistic rationality as a leitmotif of Schmitt's thought, see, critically: Breuer, Stefan. *Carl Schmitt im Kontext*, pp. 40-43, in particular fn. 187. Thus, while Schmitt himself would later reflect upon *Roman Catholicism* with a certain distance, almost fifty years later in *Political Theology II*, writing that he "must guard against falling into *elogium* again" (p. 100) when discussing Church law, it may be said that, firstly, Schmitt's need to guard against doing so is a certain kind of evidence that the impulse remained present and that, secondly, he did once fall into *elogium*.

<sup>96</sup> See, among other authors who have criticized the tendency of large parts of Schmitt scholarship to overabstract from Schmitt's concrete, political and juristic thought: Maschke, Günter. *Carl Schmitt in den Händen der Nicht-Juristen*, a critical review of several works which focus on Schmitt's political theology to varying degrees. We will discuss the debate surrounding interpretation and distortion of Schmitt's thought, in particular with regard to the juristic nature of Schmitt's thought, in more depth in ch. 1.2.1.

<sup>97</sup> Cit. in Petzold, Joachim. *Konservative Theoretiker des deutschen Faschismus*, Berlin: VEB 1982, p. 129.

<sup>98</sup> Groh, Ruth. *Heillosigkeit der Welt*, ch. 7.

<sup>99</sup> For a discussion of the development from Weber through Lukács to Adorno and Horkheimer see, again: Habermas, *TkH Band 1*, pp. 453-534. Of principal importance for Habermas' discussion are the works: Horkheimer, Max. *Eclipse of Reason* (1947), New York: Continuum 1985 and Lukács, Georg. *Die Zerstörung der Vernunft*, Berlin: Aufbau 1954; for Lukács on Schmitt in particular, see: pp. 516-524.

Weber. Taking up this key word and working out the opposing alternative to occidental rationalism is, in my opinion, the most important task of scholarship, regarding Carl Schmitt in meta-juristic terms<sup>100</sup>.

While fully in agreement with Spinner regarding the importance of further developing a theory of rationality as present in Schmitt's thought, this study will not, however, do so by explicating the internal structure of this rationality – we will have opportunity to discuss the difficulties of explicating such an internal structure, encountered by Spinner himself, later in this study<sup>101</sup>. Instead, this study will take the concept of the human and its particular mode of rationality and utilize it as a model by which to identify Schmitt's attempts to explicate a particular sphere of human activity, characterized by its nature as a middle ground, a double-essence. This application of this concept of the human to larger, ostensibly non-anthropological aspects of Schmitt's thought forms the second main argumentative step of this study and will occupy it in chapters 2 and 3.

In **chapter 2** we will focus on Schmitt's reflections on the concept for which he is perhaps most famous: the political. In discussing Schmitt's concept of rationality we will have occupied ourselves with the human as a way of seeing the world, not so much a *Weltanschauung*, however, but as an interpretive stand point. Thus, while this study will not seriously interact with an idea of 'political hermeneutics' as Michael Marder has called it, the term is suggestive<sup>102</sup>. What the idea of a political hermeneutics can bring to light is that in Schmitt's thought the political (*das Politische*) is not merely a phenomenon accessible to all eyes, as might be the case for politics (*Politik*), but rather, that recognition of the political requires of us a particular way of looking at the world, a particularly political gaze. This particularly political gaze, it will be argued, is simultaneously a particularly 'human' gaze – a gaze informed by the human rationality of the Catholic Church and therefore capable of grasping the pluralism of spiritual life.

Thus this study will argue that, in order to reveal the phenomenon of the political, that is, in order to conceptualize a political activity, otherwise a boundless "totality" (*das Totale*) of human activity, Schmitt adopts a particular interpretive perspective which is expressed in Schmitt's conception of the human as a mode of thought, that is, as a form of rationality. It is for this reason that, in an endnote to the 1963 edition of *The Concept of the Political*, Schmitt wrote: "The autonomy of our criteria" - Schmitt's notorious friend-enemy distinction - "has a

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<sup>100</sup> In the *Aussprache* following Ellen Kennedy's paper (*Politischer Existenzialismus*) at the Schmitt conference in Speyer. See: *Complexio Oppositorum*, p. 254.

<sup>101</sup> Cf. ch. 1.2.2.2.

<sup>102</sup> Marder, Michael. *Groundless Existence: the political ontology of Carl Schmitt*, New York: Continuum 2010, pp. 170 ff.

practical-didactic purpose: clearing the way to the phenomenon”<sup>103</sup>. Approaching Schmitt's political thought through an analysis of his concept of human rationality is guided, like a hermeneutic approach, by the conviction that Schmitt's concept of the political is not only the explication of the contents of political theory, a definition of the political, but, most fundamentally, the explication of the way of thinking necessary for the political to come into view in the first place. At the same time, a focus on Schmitt's human ‘mode’ of analyzing the political does not mean that we will not also be at pains to explicate the concept of the political itself as part of Schmitt's concept of the political. Indeed, the full import of understanding Schmitt's concept of the political in its relationship to a concept of the human is two-fold. Firstly, it is the argument that Schmitt's reflections employ a particularly human mode of understanding in order to bring the phenomenon of the political to light while at the same time, secondly, arguing that such a mode of understanding is necessitated by the particularly human nature of the political as phenomenon.

After identifying Schmitt's concept of a particularly human rationality and having employed it in our discussion of Schmitt's concept of the political, this study then turns its attention to Schmitt's philosophy of history, in particular as explicated in his later writings and their interaction with the mysterious biblical figure of the katechon. Drawn from 2 Thessalonians 2:6-7, the katechon is an otherwise unnamed figure with the function of holding off the Antichrist or apocalypse until “the proper time”<sup>104</sup>. “The truly central figure of Schmitt's political *theology*”<sup>105</sup>, this study will focus on the katechon's role in the “creation of historical space” (ch. 3.4) in which human activity can take place. Thus, in the same way that chapter 2 will have been devoted to exploring the concept of the political as Schmitt's attempt to identify and describe a particularly human sphere of existence, so **chapter 3** will argue that Schmitt's philosophy of history presents us with yet another instance of Schmitt's interest in the human phenomenon, the humanity of which lies in the possibility of a “creaturely” existence located “in the interim between arrival and return of the lord”<sup>106</sup>.

Finally, after a summary of this study's results at the beginning of **chapter 4**, we turn our attention to consider the consequences of this study's focus on a concept of the human. In particular we will look more closely at a particular argumentative structure which we will have encountered on multiple occasions in the course of this study and which I will term the logic of ‘competing definitions’. What such a concept of competing definitions can provoke

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<sup>103</sup> Schmitt, Carl. *BdP*, p. 109.

<sup>104</sup> *New International Version (NIV)* 2011, 2 Thessalonians 2:6-7. Unless otherwise noted, all translations of biblical passages are taken from the *NIV*.

<sup>105</sup> Maschke, Günter. *La Rappresentazione Cattolica*, p. 569.

<sup>106</sup> Schmitt, Carl. *Politische Theologie II*, p. 107.

us to consider is, in the vein of this study as a whole, the extent to which Schmitt's thought can be reduced to an anti-humanism or whether we ought not rather grasp Schmitt's concept of the human as a, while certainly divergent perspective, conception of the human in its own right. In order to illustrate the importance of this logic we will return to Schmitt's concept of rationality, in particular regarding its relationship to Weber's occidental rationalism.

When delineating the scope and limits of a study of Carl Schmitt's thought it is inevitable that one also at least address the question of Schmitt's concrete political engagement from 1933, the year he joined the National Socialist party, to 1936, when he was more or less completely removed from any position of influence within the party, due to what some of its members saw as his lack of national socialist spirit (*nationalsozialistische Gesinnung*<sup>107</sup>). This is a question which has naturally attracted substantial attention and which is also probably responsible for no small part of the interest in Schmitt's thought. Now, the question at stake is not, however, whether Schmitt was a national socialist. This was incontrovertibly the case. Nor is the question whether the private person Carl Schmitt was an anti-Semite. This is also incontrovertibly the case, as the 1991 publication of his work-notebook *Glossarium* made clear and the recent unedited republication of the same work has made even clearer<sup>108</sup>. Proceeding from these facts there are a number of questions which can be posed. Was Schmitt a Catholic, cultural anti-Semite or was Schmitt a racial-biological anti-Semite? Was Schmitt an opportunist or did he believe in the National Socialist program or was his involvement, as his own self-interpretation argues, the attempt to minimize a catastrophe<sup>109</sup>. To what extent did Schmitt's involvement actually have any effect on daily politics? The following study will not answer these questions. As a philosophical consideration of Schmitt's thought it lacks the historical scope required to appropriately address these questions.

More relevant for a theoretical work such as this one, is perhaps the question of

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<sup>107</sup> The campaign against Schmitt played out primarily in the SS-newspaper *Das schwarze Korps* (The Black Corps) and called upon Schmitt's role in the 1932 case of Prussia against the Empire which unfolded in the context of the so-called *Preußenschlag* (Prussian coup), in which Schmitt had allegedly opposed a National Socialist majority's right to govern (Linder, Christian. *Freud oder Feind* in: *Lette International*, Heft 68, 2005).

<sup>108</sup> See Alexander Camman's review of *Glossarium's* republication, "*Die Würde meiner Gedanken*", published by *Zeit Online* at: <http://www.zeit.de/2016/22/carl-schmitt-glossarium-briefwechsel-antisemitismus?page=2#comments>. Accessed: July 6<sup>th</sup>, 2016.

<sup>109</sup> Regarding Schmitt's role as a 'Christian Epimetheus', a name mentioned in *Ex Captivitate Salus* and taken from the poet Konrad Weiß, with whom Schmitt had a long and friendly relationship, see: Meier, Heinrich. *Carl Schmitt and Leo Strauss: The Hidden Dialogue*, Chicago 2012, p. 82. According to the Greek myth, the figure of Epimetheus, literally meaning after-thinker, is granted knowledge only in hindsight and is responsible for opening Pandora's box. By invoking the mythological figure, Schmitt tries to stylize his own collaboration with the National Socialists as the attempt to exert as corrective an influence as possible, unaware of what he was getting into.



whether Schmitt's political and legal thought is inherently anti-humanist and thus dangerous for a free, liberal and tolerant society. That Schmitt was by no means a supporter of liberal democracy is as incontrovertible as his anti-semitism and his National Socialist party membership. That Schmitt believed in the necessity of a sovereign capable of suspending the legal order is clear. But it is also clear, if only because of how many modern constitutions continue to include laws prescribing how to deal with the state of exception<sup>110</sup>, that many of Schmitt's problematic theories are problematic precisely because the questions they raise cannot simply be ignored. Was Schmitt an astute diagnostician who merely stated what was the case or was he a positive prescriber of how things should be? And yet this too is a question which this study will not answer.

The decision not to address these topics directly is motivated by the scope and nature of this study as a critical reflection which seeks to problematize a common and overly simplistic reading of Schmitt's anthropological thought. It neither denies that Schmitt insisted upon the importance of a pessimistic anthropology for political thought nor does it suggest that Schmitt was an active supporter of dictatorial measures taken by the National Socialist regime. What it does suggest, and this precisely in one of his most problematic texts, *Three Kinds of Juristic Thought*, is that Schmitt's anthropological thought is deeply tied to a particular way of conceiving the relationship between law and society<sup>111</sup>. This has nothing to do with an attempt to rehabilitate inhuman, racist ideology or to touch up texts with grave problems. The question must remain, whether the specific continuity of a theoretical attempt to delineate and describe the sphere of human activity, as suggested by this study, can be reasonably identified. Only when this question is answered, will it become possible to ask about and critically pursue the consequences of this thought.

#### **Intr. 4. Preliminary Philosophical Orientations**

The concept of the human proposed here, both as a sphere of activity as well as the rationality capable of grasping this sphere, is the attempt to reveal a motif in Schmitt's thought which is not immediately visible. Because this motif is not as explicit in Schmitt's thought as more famous concepts such as the political, representation or nomos, it is helpful to briefly call to mind some other more explicit and extensive reflections which closely resemble our intended concept of the human as the explication of the sphere of the human. In the following paragraphs I would like to briefly summarize, while pointing out their relevant points of

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<sup>110</sup> See chapter 1 in: Agamben, Giorgio. *State of Exception*, trans. Kevin Attell. Chicago: 2008.

<sup>111</sup> I provide a more detailed analysis of the problem posed by this text in my analysis below. See sub-chapter 1.2.2.2. and well as footnote 339.

contact, some thoughts from Hannah Arendt, Wilhelm Dilthey and the early 20<sup>th</sup> century tradition of Philosophical Anthropology. The observations offered on these thinkers are not intended systematically, nor should their order imply an argumentative train of thought. Instead they should be taken as perspectives capable of shedding light on the concept of the human as we intend to develop it.

As mentioned above, the anthropological approach of this study differentiates itself from other study's of Schmitt's political anthropology in its attempt to reorient the anthropological object of investigation away from the individual human being (*BdP*, ch. 7) or subjectivity (political existentialism) and towards a concept of the human as a qualitative category which is to be read in difference to the inhuman. Thus, before considering the contents of this concept of the human we might consider that Hannah Arendt also sought to reorient political anthropology away from the human being and towards the identification of a human phenomenon. In the only posthumously published fragments of an *Introduction to Politics*, published under the title *What is Politics* in 1993, she writes:

There are two good reasons for which philosophy would never find even the location in which politics comes into being. The first is: 1) Zoon politikon: as if there were something political *in* the human being which belonged to its essence. Precisely this is incorrect; *the* human being is a-political. Politics comes into being in the *between-the* humans, in other words, absolutely *outside of the* human being. There is, for this reason, actually no political substance. Politics comes into being in the between and establishes itself as relation. Hobbes understood this<sup>112</sup>.

Arendt's critique of traditional anthropology, aimed at revealing the qualitatively different nature of collective existence in contrast to individual existence is a prominent feature of Schmitt's own political theory and one which has been interpreted in a democratic sense by Chantal Mouffe<sup>113</sup>. Though there is good reason to contest this purely collective-oriented reading of Schmitt's thought and, as existentialist readings often do, emphasize the deeply individualistic aspects of his thought, we can let this debate remain unresolved. What Arendt's

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<sup>112</sup> Arendt, Hannah. *Was ist Politik?*, München: Beck 2003, p.11

<sup>113</sup> In *On the Political*, Mouffe takes up the collective-oriented aspect of Schmitt's concept of the political in order to argue against a liberal individualistic democratic approach, which understands politics as the mere administration and coordination of atomistic individuals, and in favor of a non-liberal theory of "agonistic democracy". See: Mouffe, Chantal. *On the Political*, Abingdon, U.K.: Routledge 2005: "Every consistent individualism must, in his view, negate the political since it requires the individual to remain the ultimate point of reference" (p. 11); "As far as liberal thought adheres to individualism and rationalism, its blindness to the political in its antagonistic dimension is therefore not a mere empirical omission but a constitutive one" (p. 12). Liberalism, "incapable of acknowledging the political, cannot understand that sacrifices might have to be made for the collective": Herrera, Hugo Eduardo. *Carl Schmitt als politischer Philosoph: Versuch einer Bestimmung seiner Stellung bezüglich der Tradition der praktischen Philosophie*, Berlin: Duncker & Humblot 2010, p. 48.

critique of traditional anthropologies can elucidate is a critical reorientation of anthropology which shifts anthropology's object of study away from the individual human being and towards a space in which human beings exist. In what can be read as an appropriation – albeit with modifications – of Heidegger's critique of “*das Man*”, Arendt's critique expresses itself as a shift from the singular to the plural form of human being<sup>114</sup>. The following study proceeds from an approach similar to Arendt's anthropological critique of the human being in the singular in so far as it argues that it is necessary, in order to grasp Schmitt's political anthropology, to depart from the model of an anthropology focused on the human being in the singular. The approach of this study differentiates itself from Arendt's approach in that it does not, however, shift its attention towards an anthropological pluralization, as the collective-oriented reading of Schmitt's suggests. Instead this study will seek to examine a concept of the human, that is, to understand not the human being in the singular substantive form, nor, as Arendt proposes, in the plural substantive form, but to understand it in its adjectival form, to understand, in other words, what the human as such is, the human as a quality.

Understanding the human as a particular quality means differentiating it from other qualities, means understanding it in a particular way proper to human being as opposed to non-human being. I see such an attempt on Schmitt's part as deeply related to Wilhelm Dilthey's attempt to explicate a philosophical grounding of the humanities and, in particular, in his distinction between the method of “understanding” proper to the humanities and the method of “explanation” proper to the natural sciences. In *The Structure of the Historical World in the Humanities*, Dilthey is interested in differentiating the humanities from the natural sciences. Thus he writes that

In addition to the natural sciences a group of insights has developed, organically, out of the task of life itself [...] Such sciences are history, national-economics, legal and political science, religious studies, the study of literature and poetry, of spatial arts and music, of philosophical worldviews and systems and lastly psychology. All these sciences are concerned with the same great fact: the human race<sup>115</sup>.

Yet, the difference between the natural sciences and the humanities lies not so much in

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<sup>114</sup> Heidegger's critique of “*das Man*” is of course, directed against the impersonalization involved in speaking of “one” [*man*] rather than a concrete subject (*Sein und Zeit*, §27) and thus not to be equated with Arendt's. Nonetheless, even if in the opposite direction, that is, even if as a rereading of the essence of politics away from the anonymous individual (*das Man* or *der Mensch*) and towards the in some way even more impersonal plural of humans or people (*Die Menschen*), rather than towards a personalization and existentialization of the individual, the point remains that the singular, anonymous individual is the object of both critiques.

<sup>115</sup> Dilthey, Wilhelm. *Der Aufbau der geschichtlichen Welt in den Geisteswissenschaften*, pp. 77-188 in: *Gesammelte Schriften*, vol. 7, Göttingen: Vandenhoeck & Ruprecht 1992, p. 77.

their objects of study, “humanity or human-societal-historical reality” or a material, physical nature<sup>116</sup>, but rather “in the procedure which constitutes these groups. There [in the humanities] a spiritual object comes into being in the act of understanding [*im Verstehen*], here [in the natural sciences] a physical object in the act of cognition [*im Erkennen*]”<sup>117</sup>. Understanding, Dilthey writes, is “not psychological cognition. It is the regression to a spiritual form [*Gebilde*] of the structure and logic proper to [understanding]”<sup>118</sup>. What interests us here are two points in particular. The first is Dilthey’s differentiation between the humanities and the natural sciences. What interests us is that it provides us with a model of sorts by which to understand the idea of a concept of the human as a category or quality rather than as the anthropology of the individual human being. While, that is, Dilthey’s humanities are initially determined by virtue of their shared object of study it then becomes clear that this object of study demands a particular methodology and that this methodology is that of “understanding”. The human, to put it in Dilthey’s terms, would be that which, by virtue of its ‘spirituality’ (*Geistigkeit*), escapes the merely empirical methods of the natural sciences. Understanding the human requires what Dilthey refers to as empathy (*Einfühlung*), a concept to which we will return later (2.5). Without wanting to equate to two, this idea of understanding can in part serve us as a model for the particular rationality which we have already discussed above, in that it, firstly, stands in opposition to the natural sciences and to technology and, secondly, emphasizes the ‘internal logic’ (*eigenen [...] Gesetzmäßigkeit*) proper to the human. Secondly, and as a means of supporting this introduction of Dilthey, it is interesting to already take note of a late essay from 1956 entitled *The Other Hegel Tradition – to Hans Freyers 70<sup>th</sup> birthday*, in which Schmitt, though somewhat cryptically, points to a continuity between Hegel, Dilthey and Freyer, neither, however, out of mere curiosity nor only because he wants to dispute a Marxist “appropriation of Hegel” (*Hegel-Nahme*)<sup>119</sup>, but because he sees himself to a large degree in this tradition, that is, in the tradition of Dilthey<sup>120</sup>.

In the “anthropological confession” of *The Concept of the Political*, Schmitt makes, as we have noted, reference to the anthropological theory of Helmut Plessner. Plessner, along with Max Scheler, is considered the main representative of the philosophical, for lack of a

<sup>116</sup> Dilthey, Wilhelm. *Aufbau der geschichtlichen Welt*, p. 81.

<sup>117</sup> Dilthey, Wilhelm. *Aufbau der geschichtlichen Welt*, p. 86.

<sup>118</sup> Dilthey, Wilhelm. *Aufbau der geschichtlichen Welt*, p. 85: German original: “*Es ist der Rückgang auf ein geistiges Gebilde von einer [dem Verstehen] eigenen Struktur und Gesetzmäßigkeit*”.

<sup>119</sup> Mehring, Reinhard. *Carl Schmitt: Aufstieg und Fall. Eine Biographie*, München: Beck 2009, p. 493, fn. 202. See in particular also: Mehring, Reinhard. *Pathetisches Denken. Carl Schmitts Denkweg am Leitfaden Hegels: Katholische Grundstellung und antimarxistische Hegelstrategie*, Berlin: Duncker & Humblot 1989, p. 220. For Dilthey’s distinction of his use of the term “*Geist*” from that of Hegel see: Dilthey, Wilhelm. *Aufbau der geschichtlichen Welt*, pp. 148-152.

<sup>120</sup> Schmitt’s relationship to Dilthey and Freyer’s philosophies of history is somewhat ambiguous and will be discussed in chapter 3.

better word, “school” of Philosophical Anthropology which has, at least in certain aspects, a proximity to and even “anchoring” in Dilthey’s “phenomenological understanding of the contents of being [*Seinsbestände*]”<sup>121</sup>. Philosophical Anthropology as a “paradigm” is not to be confused with philosophical anthropology in the lowercase, that is, as a “subdiscipline” within the general field of philosophy, but represents a disparate yet nonetheless clear tradition<sup>122</sup>. Common to both Plessner and Scheler, as well as Arnold Gehlen who can be seen as a sort of late-comer to the field, is a particular methodology which “begins by considering the living body, placed at a remove, within its environment and then proceeds through the classification of the various types of life (plant, animals), to arrive at the end-point, which is the mind”<sup>123</sup>. Philosophical Anthropology has, in other words, the goal of attempting to describe that which is particularly human, called, in Scheler’s work, “spirit” (*Geist*). In the tradition of Philosophical Anthropology this description of the particularly human occurs primarily in difference to the organic world, including plants, and, more specifically, in difference to the animal world. Thus in *The Position of Man in the Cosmos* (1928), Scheler asks whether animals possess something which can be called intelligence, a typically cited distinctly human characteristic<sup>124</sup>. Interestingly, Scheler then answers this question in the affirmative, pointing to the work of Wolfgang Köhler who had shown that chimpanzees were capable of using tools. Yet, whether or not an animal possesses what one could call ‘intelligence’ is, for Scheler, a question which falls short of the truly particular characteristic of the human being. Thus Scheler asks “the decisive question for our entire problem”, whether there is a “difference in essence” (*Wesensunterschied*)<sup>125</sup>. He then answers this question positively as well when he writes that:

the Greeks asserted such a principal and called it “reason”. We would rather employ a more comprehensive word for that X, a word which certainly includes the concept of “reason” but which, in addition to “thinking in ideas” also includes a specific kind of “viewing”, namely that of primordial phenomena or essential substances, and moreover a particular class of volitional and emotional acts such as goodness, love, regret,

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<sup>121</sup> Rehberg, Karl Siegbert. *Philosophische Anthropologie und die „Soziologisierung“ des Wissens vom Menschen. Einige Zusammenhänge zwischen einer philosophischen Denktradition und der Soziologie in Deutschland*, pp. 160-198 in: *Soziologie in Deutschland und Österreich von 1918 bis 1945. Materialien zu Entwicklung, Emigration und Wirkungsgeschichte* (Kölner Zeitschrift für Soziologie und Sozialpsychologie), Sonderheft 23 (1981), ed. R.M. Lepsius, fn. 12, p. 189.

<sup>122</sup> On the characterization of Philosophical Anthropology as a “school” or “tradition” see: Fischer, Joachim *Exploring the Core Identity of Philosophical Anthropology through the Works of Max Scheler, Helmuth Plessner, and Arnold Gehlen*, pp. 153-170 in: *Iris*, vol. 1, no. 1 (April 2009), pp. 153-154. See also: Rehberg, Karl Siegbert. „Soziologisierung“ p. 188 fn. 1.

<sup>123</sup> Fischer, Joachim. *Exploring*, p. 155.

<sup>124</sup> Scheler, Max. *Die Stellung des Menschen im Kosmos*, München: Nymphenburger 1947, p. 31.

<sup>125</sup> Scheler, Max. *Stellung des Menschen*, p. 34.

veneration, spiritual awe, blessedness and despair which includes free decision – the word “spirit”<sup>126</sup>.

With the term “*Geist*” Scheler intends to characterize the human being’s “particular position” (*Sonderstellung*)<sup>127</sup>. This “*Sonderstellung*”, paralleled by Plessner’s concept of the human being’s “excentric positionality” (*exzentrische Positionalität*)<sup>128</sup>, bears relevance for this study’s concept of the human in that it, like Dilthey’s differentiation of the humanities from the natural sciences, focuses its energy on working out a conception of the specifically or even - the german stem “*Sonder-*”, which means special or separate can also, in the form of “*sonderbar*”, mean odd or strange - curiously human. In short, Scheler is interested, as we will argue that Schmitt too was, in identifying a particularly human level of existence. Of further interest is that this particular level of human existence is that of a middle ground, another trait which we will also see at work in Schmitt’s conception of the human, and that this middle ground is located between a naturalistic, biological and a purely intellectual idea of the human being. The importance of this middle position for the tradition of Philosophical Anthropology becomes clear when one considers that, while both Plessner and Scheler’s systems seem to focus only on differentiating the human from the animal, the plant and the inorganic, placing the human being at the top of the ladder so to speak, this analysis always proceeds from the concept of the human being in its biological, bodily nature. Philosophical Anthropology “starts from a philosophical biological stance, and is programmed-in at the organic level”<sup>129</sup> and its approach is “inconceivable without the systematic contact to biology/zoology”<sup>130</sup>. What results from this “tying down” of psychology as well as cultural and social sciences in the biological organic is, in other words, the middle position of the human at once capable of “ideating” (*Ideierung*) the world and yet fated to enter and leave the world with the growth and decay of its body always short of the divine<sup>131</sup>. In closing, while these remarks about Scheler and Philosophical Anthropology in general should retain their merely preliminary and orienting character, it may be noted that this tension is visible in

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<sup>126</sup> Scheler, Max. *Stellung des Menschen*, p. 35. German original: “*Schon die Griechen behaupteten ein solches Prinzip und nannten es „Vernunft“. Wir wollen lieber ein umfassenderes Wort für jenes X gebrauchen, ein Wort, das wohl den Begriff „Vernunft“ mitumfaßt, aber neben dem „Ideen-denken“ auch eine bestimmte Art der „Anschauung“, die von Urphänomenen oder Wesensgehalten, ferner eine bestimmte Klasse volitiver und emotionaler Akte wie Güte, Liebe, Reue, Ehrfurcht, geistige Verwunderung, Seligkeit und Verzweiflung, die freie Entscheidung mitumfaßt: - das Wort „Geist“*”.

<sup>127</sup> Scheler, Max. *Stellung des Menschen*, p. 34.

<sup>128</sup> Plessner, Helmuth. *Gesammelte Schriften IV: Stufen des Organischen und der Mensch: Einleitung in die philosophische Anthropologie*, Frankfurt a.M.: Suhrkamp 1981, pp. 360-365.

<sup>129</sup> Fischer, Joachim. *Exploring*, p. 169.

<sup>130</sup> Fischer, Joachim. *Philosophische Anthropologie. Zur Rekonstruktion ihrer diagnostischen Kraft*, pp. 249-280 in: *Unter offenem Horizont. Anthropologie nach Helmuth Plessner. Mit einem Geleitwort von Dietrich Goldschmidt*, ed. Jürgen Friedrich and Bernd Westermann., Frankfurt a.M.: Lang 1995, p. 251, fn. 4.

<sup>131</sup> Scheler, Max. *Stellung des Menschen*, p. 46.

Schmitt's *Concept of the Political* when Schmitt simultaneously insists upon the importance of "physical killing"<sup>132</sup> contained in war as the ultimate possibility and condition of the political while, at the same time arguing with equal vehemence that wars are waged in the name of ideas and beliefs which are not material, but rather spiritual (*geistig*)<sup>133</sup>.

With these observations I have intended to bring to light a fundamental constellation of problems and reflections which will inform our description of this concept in Schmitt's thought. Generally speaking we are interested in the relationship between a concept of the human and the quality of a particular, human phenomenon. Whether in Arendt's attempt to shift the focus of political anthropology away from the individual and to the space between individuals, in Dilthey's identification of the humanities in their difference to the natural sciences, or in Scheler's attempt to identify the human's "particular position", the focus of all these thoughts was the identification and bringing to light of a particular space in which human activity takes place. And yet, above and beyond merely identifying this space, what the discussion of Dilthey in particular should make clear is that this human sphere of existence cannot merely be identified, but that its identification is dependent upon its being understood with a logic particular to its mode of existence. From the necessity of understanding this human phenomenon in its own terms results the importance of a discourse on rationality, that is, on a way of thinking and perceiving the world<sup>134</sup>, manifest in the methodological reorientation of anthropology undertaken by Arendt, Dilthey and Philosophical Anthropology. Thus we begin our examination of Schmitt's thought with an examination of the particular human rationality of Carl Schmitt's Roman Catholic Church.

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<sup>132</sup> Schmitt, Carl. *BdP*, p. 31.

<sup>133</sup> Schmitt, Carl. *Die geschichtliche Struktur des Gegensatzes von Ost und West. Bemerkung zu Ernst Jüngers Schrift: „Der Gordische Knoten“* (1955), pp. 523-551 in: *Staat-Großraum-Nomos: Arbeiten aus den Jahren 1916-1969* (henceforth: *SGN*), ed. Günter Maschke, Berlin: Duncker & Humblot 1995, p. 533.

<sup>134</sup> This seems to me the underlying and at the same time overarching reason for which Habermas' *Theory of Communicative Action* opens with the stated goal of showing "that the problem of rationality is not brought into sociology" but rather that "the problem of the use of a (indeed always normatively substantial) concept of rationality poses itself for any sociology with the claim to a theory of society [*mit gesellschaftstheoretischem Anspruch*]", *TkH Band 1*, p. 8.

## Chapter 1. The Human and the Rational

The concept of the human is not visibly explicated in Schmitt's works. In order to bring it to light we must therefore begin by finding a way to access it. Such access will be gained through our initial analysis of another concept which Schmitt repeatedly describes in terms of its humanity. This concept is the particular rationality of the Catholic Church. By analyzing how Schmitt describes this rationality as particularly human, we will thus be able to extract the basic structure of what can be called Schmitt's concept of the human. More particularly, we will see that Schmitt employs the term "human" in order to describe a particular way of thinking, that is, a particular perspective from which he believes that the otherwise indescribable "human" mode and sphere of existence can come into view. This relationship between the human and a particular mode of existence will serve as the guiding framework not only for this chapter, but for the work as a whole.

The following chapter is divided into two sections. The first of these is devoted to outlining Schmitt's vision of a human form of rationality (1.1). In order to do so I begin by framing the philosophical situation to which Schmitt is responding in *Roman Catholicism and Political Form*: the omnipresent dualism of modern thought (1.1.1) which manifest itself in both Schmitt's critique of both Protestantism as well as what he refers to as "economic thought" (1.1.2). Secondly we explicate his response to this dualism: representative thought (1.1.3). Thirdly, we then turn to look more closely at the way in which Schmitt assigns a particularly "human" nature to this representative thought (1.1.4.). Finally, we draw together our observations, describing with greater specificity what exactly it means to speak of Schmitt's anthropology, not so much as a concept of the human being, but as a concept of the human (1.1.5). Having developed the structure of Schmitt's conception of the human, I then turn my attention to reinforcing this theory and do so by looking at two other forms of thought theorized by Schmitt, both of which manifest the basic structure of human rationality as we will have explicated it (1.2.). The first of these is a not explicitly present concept of 'juristic thought' which I will extract from *Roman Catholicism* as well as *Political Theology* (1.2.1). The second of these is Schmitt's theory of 'concrete order thought' (*konkretes Ordnungsdenken*), implicitly present in *Roman Catholicism* (1923), announced in *Political Theology*'s second edition (1933) and presented theoretically in *On the Three Types of Juristic Thought* (1934) (1.2.2).



## 1.1. The “specific rationality” of the Catholic Church

### 1.1.1. Amidst the dualisms

In order to understand the rationale behind Schmitt’s theorization of a particularly Catholic human rationality it is important to understand the situation in which Schmitt formulates his reading of the Church and the opponents at which it is directed. This situation is announced, though somewhat obliquely, in the text’s opening sentence: “There is an anti-Roman temper” (*Es gibt einen antirömischen Affekt*)<sup>135</sup>. Schmitt describes this anti-Roman feeling through a list of the various ways in which the Church has been criticized and demonized: “It has nourished the struggle against popery, Jesuitism and clericalism that has impelled several centuries of European history with a gigantic array of religious and political energies”<sup>136</sup>. The core of this anti-roman feeling is “more an unspoken sentiment” than a concrete theory, visible in the diversity of critiques which have been launched against Catholicism<sup>137</sup>:

It is a striking contradiction, again demonstrating the curious *complexio oppositorum*, that one of the strongest Protestant perceptions finds in Roman Catholicism a debasement and misuse of Christianity because it mechanizes religion into a soulless formality, while at same time Protestants return in Romantic flight to the Catholic Church seeking salvation from the soullessness of a rationalistic and mechanistic age<sup>138</sup>.

“For the whole of the parliamentary and democratic nineteenth century, one most often heard the charge that Catholic politics is nothing more than a limitless opportunism”<sup>139</sup>. Attacked from all sides, seen by Protestants as a gigantic spiritually dead and technical bureaucracy and by modernity’s profane scientific-technical thought as absurdly irrational, “subjective” (*unsachlich*)<sup>140</sup>, the Catholic Church stands at the center – but at the center of what?

The answer is provided when Schmitt describes the diversity of criticism faced by the Church: “But these constructs are still more than fantasies out of the blue. Though it sounds improbable, they are completely in harmony with the spirit of our age because their intellectual structure accords with a reality”<sup>141</sup>. What Schmitt suggests is that, while

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<sup>135</sup> Schmitt, Carl. *RC*, p. 3.

<sup>136</sup> Schmitt, Carl. *RC*, p. 3; *RK*, p. 5: translation – N.H.. My translation of this passage is motivated by the fact that the first sentence of Ulmen’s translation combines both the first and second sentence and, in doing so, does not preserve the rhetorical value of the concision of this text’s first sentence: “*Es gibt einen anti-Römischen Affekt*”, a rhetorical device which Schmitt employs not only but, more famously, in *Political Theology*: “Sovereign is who decides on the state of exception”, as well as *Land and Sea*, “The human is a terrestrial being”, among other texts.

<sup>137</sup> Schmitt, Carl. *RC*, p. 4.

<sup>138</sup> Schmitt, Carl. *RC*, p. 11; *RK*, p. 19: modified – N.H..

<sup>139</sup> Schmitt, Carl. *RC*, p. 4.

<sup>140</sup> Schmitt, Carl. *RC*, p. 17; *RK*, p. 29: modified – N.H..

<sup>141</sup> Schmitt, Carl. *RC*, p. 9.

erroneous, all these criticism are highly indicative of the reality that “Every sphere of the contemporary epoch is governed by a radical dualism”<sup>142</sup>. In his attempt to theorize the Church, that is, in his attempt to find a response to the dualisms of modernity, Schmitt is participating in what Carlo Galli calls the “crisis of mediation”. This crisis of mediation, manifest in the appearance of philosophical thought which turns to ‘irrationalism’ or ‘experience’, as well as in modernity’s incapacity to posit a ‘telos’<sup>143</sup>, proceeds from what Weber called modernity’s “loss of meaning” (*Sinnverlust*) and makes itself visible in the discovery of language’s insufficiency and the ensuing impossibility of communication (Hofmannsthal: *Letter to Lord Chandos*). Politically speaking, Giuseppe Duso has referred to the “crisis of representation”<sup>144</sup>.

Then however, while Schmitt concedes that the anti-roman feeling is not a mere fantasy, he quickly turns this critique around in order to continue with the observation that “Its [the Church’s] elasticity is really astounding”<sup>145</sup>. Schmitt argues that what appears to be mere arbitrariness, the Church’s willingness to enter into political alliance with a diverse range of partners, often written off as nothing but opportunism, is actually the manifestation of the church's constant essence, its elasticity which Schmitt calls the *complexio oppositorum*, the term which Adolf von Harnack also used to describe the Catholic Church some years before Schmitt<sup>146</sup>. The *complexio oppositorum* is the church's “diversity and ambiguity – the double face, the Janus/head, the hermaphroditic nature”<sup>147</sup>. With the term *complexio oppositorum* Schmitt attempts to give a conceptual name to the Church’s capacity to differentiate between the essential and the unessential and to have a certain indifference towards and tolerance of internal differences and disagreements. Schmitt's vision of the Catholic *complexio* is that of a structure capable of housing differences, that is, a structure certainly authoritarian and yet not homogenizing. It is the flowering diversity of the Church, its capacity to encompass lay and clergy of all kinds, which Schmitt celebrates and theorizes.

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<sup>142</sup> Schmitt, Carl. *RC*, p. 9.

<sup>143</sup> Galli, Carl. *Genealogia*, p. 77. Schmitt himself identifies and discusses a turn to irrationalistic theories of unmediated violence and myth in the *Parlamentarismus* text’s fourth chapter.

<sup>144</sup> Duso, Giuseppe. *Die moderne politische Repräsentation: Entstehung und Krise des Begriffs*, Berlin: Duncker & Humblot 2006. Duso sees the “crisis” of representation therein that “the conceptions which came into being with modern political science and entered into the figure of the state and its constitution were very apparently incapable of understanding a current situation which had already surpassed the horizon of national states and of the *ius publicum europaeum*” (p. 14). See further: pp. 146-150.

<sup>145</sup> Schmitt, Carl. *RC*, p. 4.

<sup>146</sup> Harnack, Adolf von. *Das Wesen des Christentum: sechzehn Vorlesungen vor Studierenden aller Fakultäten im Wintersemester 1899/1900 an der Universität Berlin*, ed. Trutz Rendtorff, Gütersloh: Chr. Kaiser 1999, p. 234: “Thus the astonishing „*complexio oppositorum*“ arose in occidental Catholicism: the church of ritual, of law, of politics, of world-domination and the church in which a most highly individual, tender, sublimated sense for and doctrine of sin and grace are put into effect”.

<sup>147</sup> Schmitt, Carl. *RC*, p. 5.

However, despite Schmitt's use of the word “elasticity”, this multifaceted nature of the church should not lead us to believe that we are dealing with the “elastic moment” of political romanticism.

Out of a spiritual promiscuity which seeks a Romantic or Hegelian brotherhood with Catholicism, as with so many other ideas and individuals, [one] could make the Catholic *complexio* into one of many syntheses and rashly conclude that [one] had thereby construed the essence of Catholicism. The metaphysicians of speculative post-Kantian philosophy conceived organic and historical life as an eternal process of antithesis and synthesis, assigning the respective roles at will. When Goerres pictures Catholicism as the masculine and Protestantism as the feminine principle, he makes Catholicism nothing more than an anti-thetical extreme and sees the synthesis in a “higher third.” It is obvious that Catholicism could [also] be considered the feminine and Protestantism the masculine principle. It is also conceivable that speculative system-builders have at one time or another considered Catholicism the “higher third.” This idea had particular appeal for Romantics who toyed with Catholicism, although they did not readily refrain from exhorting the Church to break free of Jesuitism and scholasticism in order to create an “organic” higher unity out of the schematic externality of formal Catholicism and the [invisible interiority] of Protestantism. Such is the basis of the apparently typical misunderstanding<sup>148</sup>.

Though not frequently noted<sup>149</sup>, the roots of this concept of a *complexio* can clearly be seen in Schmitt's short essay *Illyria: notes from a Dalmatian journey*, where he writes the following:

thus Illyria represents the most extreme degree of a mixture of races and destinies. But in the concept of Illyria lies something real which remains inaccessible to all romanticism and the great Illyrians do not make romantic music, but rather have a language. Naturally they speak in many tongues. It appears as if they were acquainted with all European languages and there were in the Illyrian spirit a particular, most strange kind of multilingualism [...] Luther germanised the Holy Scripture, that means incorporated it into the German language. That is not the same as the translation of the holy. The German bible has its particular merits and its particular force, but its author still lacks the multilingualism of the Illyrian and the assured floating above the languages<sup>150</sup>.

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<sup>148</sup> Schmitt, Carl. *RC*, pp. 8-9; *RK*, pp. 14-15: modified – N.H.: Ulmen translates the phrase ‘*unsichtbare Innerlichkeit*’ as imperceptible internality, a translation which I have replaced with ‘invisible interiority’ both for the sake of consistency, because I will employ the term ‘interiority’ in the following discussion as well as because interiority carries the spatial sense of an interior.

<sup>149</sup> In his essay, *Carl Schmitt und die „konservative Revolution“* (pp. 129-157 in: *Complexio Oppositorum*), Armin Mohler writes: “Less well known, but at least as intense [as Schmitt’s relationship to Spain] were his ties to ‘Illyria’. [...] This hymn is a key text for Schmitt’s work” (pp. 134-135).

<sup>150</sup> Schmitt, Carl. *Illyrien – Notizen von einer dalmatinischen Reise* (1925), pp. 483-490 in: *SGN*, p. 486. Originally published in: *Hochland*, 23. Jg., H. 3, Dezember. The background of this short essay is a trip taken by Schmitt to Podravska with his then future second wife Frau Duška Todorović to visit her father. The

The deep relationship between these two texts, published in chronological proximity to one another, becomes clear when one considers that Schmitt's formulation in the Illyria essay; "the great Illyrians do not make romantic music, but rather have a language", was already formulated as a critique of "large-scale enterprise" in *Roman Catholicism* when Schmitt wrote, in a strangely almost backhanded defense of Soviet aesthetics, that "this primitive symbolism has something lacking in the most advanced machine technology, something human, namely, a language"<sup>151</sup>.

*Roman Catholicism* is an essay of manifold significance and can be understood as "a document of anti-modern criticism and of attack on the Weimar Republic, both as an *elogium* to the catholic *majestas* as well as a fragment and thus the foundation of Schmitt's 'irrationalism' as well as a homage to Latin rationality, inspired by a deep *Antinordischer Affekt*"<sup>152</sup>. In all its aspects, however, it is embedded in Schmitt's attempt, present not only in *Roman Catholicism*, but in his entire oeuvre, to overcome the dualisms of modernity, the conflict between "thinking and being, material and spirit"<sup>153</sup>, universality and the particular, between the infinite and the finite, the "*Rechtsidee*" and the *Rechtswirklichkeit*<sup>154</sup>, the constitution as such (*Verfassung*) and the laws of the constitution (*Verfassungsgesetze*). In order to understand Schmitt's vision of the Catholic Church we therefore begin by looking at two prominent manifestations of modern dualistic thought which Schmitt addresses in this work. The first of these is Protestantism and the second what Schmitt calls "economic thought".

### 1.1.2. Protestant and economic thought

The nature of modernity's fundamental dualism can be clearly seen if we turn to Schmitt's critique of Protestantism. Schmitt writes: "Just as the Tridentine Creed knows little of the

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similarities between this text and *Roman Catholicism* extend beyond a mere fascination with the multifaceted spirit of Illyria. Indeed, while further attention will not be paid to this essay, it is worth noting that, as the beginning of the passage cited makes clear, Schmitt's picture of Illyria is motivated by strong anti-romantic sentiment, that the multifacetedness of Illyria is presented in opposition to the changing political situation and that, in spite of Schmitt's insistence on Illyria's difference from Venice, Schmitt nonetheless identifies the core of Illyria in its strange relationship to Rome: "Here too a great architecture exhibits the great state, the greatest which we Europeans know, the *Respublica Romana*" (p. 487). Of further interest in the context of this essay's emphasis on the linguistic diversity of Illyria is not only that Schmitt considers his long-time friend the poet Theodor Däubler to be an Illyrian, but that Schmitt's short work on Däubler's epic verse poem *Nordlicht* has an equally strong, even if different, emphasis on Däubler's mastery of language, his rendering language a "pure artistic medium" (*Theodor Däublers Nordlicht. Drei Studien über die Elemente, den Geist und die Aktualität des Werkes* (1916), Berlin: Duncker & Humblot 1991, p. 40).

<sup>151</sup> Schmitt, Carl. *RC*, p. 22

<sup>152</sup> Galli, Carlo. *Genealogia*, p. 237.

<sup>153</sup> Kennedy, Ellen. *Politischer Expressionismus*, p. 245

<sup>154</sup> Schmitt, Carl. *PT*, p. 36.

Protestant rupture of nature and grace, so Roman Catholicism understands little of the dualisms of nature and spirit, nature and intellect, nature and art, nature and machine and their varying pathos”<sup>155</sup>. For Schmitt, Protestantism's defining characteristic is not merely its general belief in the absolute division of nature and grace, the total depravity of man, but its belief in the primacy of an “invisible interiority”, in the nature of religion as a “private matter”<sup>156</sup>, a “matter of the heart”<sup>157</sup> and a correspondingly invisible God. Protestantism's uncontrollable belief in *sola fide*, its absolute rejection of the efficacy of works, leads Protestantism to an ultimately anarchistic rejection of all dogmatic principles and, ultimately, to the belief in a God as invisible as the Protestant's interiority. For this reason Schmitt writes that “a high-minded Protestant like Rudolf Sohm could define the Catholic Church as something essentially juridical, while regarding Christian religiosity as essentially non-judicial”<sup>158</sup>. Schmitt speaks further to this problem and specifically about Rudolf Sohm when he writes, years later in *Glossarium*:

There [in the foreword to volume 1 of Church Law] Sohm says, apparently very clearly: “The purely juristic approach has merely (!) formal value. [...]” This general, neutralizing view has something disconcerting about it. If the entire question resulted merely a general opposition between “mere form” and (more than mere) content, then it would not be that so agonizing and specific problem of church law<sup>159</sup>.

According to Schmitt, Sohm the Lutheran jurist and church historian sees canon law as absolutely separate from the question of faith and, in doing so, represents a modern, Protestant fixation with essence and content as something truer than its mere form. Schmitt rejects this dualism, criticizing modernity's tendency towards interiority just as he criticized the romantic subjectivization of God. The next day's reflection in *Glossarium* reads: “To Sohm: the essence of art is also dependent on form. Does it contradict the essence of the spirit that there are scores and written poems, stable intervals and definite lines?”<sup>160</sup>. Schmitt charges Sohm and the Protestant Modern with the belief that, just as true poetry resists being

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<sup>155</sup> Schmitt, Carl. *RC*, p. 11.

<sup>156</sup> Schmitt, Carl. *RC*, p. 28.

<sup>157</sup> Schmitt, Carl. *RC*, p. 29.

<sup>158</sup> Schmitt, Carl. *RC*, p. 29.

<sup>159</sup> Schmitt, Carl. *Glossarium*, 09.11.47.

<sup>160</sup> Schmitt, Carl. *Glossarium*, 10.11.47. The importance of this form-content problematic finds further support if one turns to an interview given by Schmitt in 1971 and published in 2009 with the title *Solange das Imperium da ist*. “The unstated topic of my thought,” Schmitt says, “is the relationship between word and text.” “Now, [...] the 'agraphos nomos' [unwritten law] and the written nomos and how the nomos changes in the moment in which it is written – all that belongs to this topic of word and text; word and text as, how should I say, the universal and central topic of that which moves me at all”.: „*Solange das Imperium da ist*“: Carl Schmitt im Gespräch mit Klaus Figge und Dieter Groh 1971, ed. Frank Hertweck and Dimitrios Kisoudis, Berlin: Duncker & Humblot 2010, p. 51.

written down, so true belief in God is fundamentally opposed to any corresponding dogmatic manifestation of this belief<sup>161</sup>. Yet, how invisible must God, must belief become, before faith and with it God ultimately disappear? In Protestantism's insistence upon the invisibility of God, its absolutely adogmatic conception of faith, lies its nihilism, its ultimate inability to understand God as something other than a gaping void, a vacuum, the Feuerbachian reflection of man's nothingness.

Though Protestantism provides us with a starting point for understanding the dualisms of this age, Schmitt's polemic in *Römischer Katholizismus* actually focuses much more intently on what he calls "economic thought". Economic thought is closely associated with the "methodology of the natural-technical sciences"<sup>162</sup>, the aim of which is "domination and exploitation of matter"<sup>163</sup>, "formulas for the manipulation of matter"<sup>164</sup>. "Value neutral" in the worst sense of the word, "Modern technology easily becomes the servant of this or that want and need", providing nothing other than a means of production, "be it for a silk blouse or poison gas or anything whatsoever"<sup>165</sup>. Schmitt then brings this critique to a point when he writes that economic thought "knows only one type of form, namely technical precision"<sup>166</sup>. The dualism of this thought is then made clearer when we read that

Corresponding terms such as 'reflex,' 'radiation' or 'reflection,' which have reference to matter, denote various aggregate states of the same material substratum. With such images one makes something ideal comprehensible by incorporating it into one's own material thinking. For example, according to the famous 'economic' conception of history, political and religious views are the ideological 'reflex' or relations of production<sup>167</sup>.

In this manner, economic thought does not take religion seriously as a conviction, but sees only a strange emanation of fundamentally economic causes, emanations which are not, however, irrational as they may be, any more irrational than other irrational beliefs<sup>168</sup>. Being religious is kind of like being insane and religion is treated by economic thought in the same way as fashion: "There are human beings who have religious needs – very well. Then these needs must be satisfied. This appears to be no less irrational than many senseless whims of

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<sup>161</sup> Here it is interesting to note the following formulation in Hans Kelsen's *Reine Rechtslehre*, Tübingen: Mohr Siebeck 2008, p. 48: "Just as, so long as there is a religion, there must also be a dogmatic theology which cannot be replaced by a psychology or sociology of religion, so there will – as long as there is law – be a normative theory of law".

<sup>162</sup> Schmitt, Carl. *RC*, p. 12.

<sup>163</sup> Schmitt, Carl. *RC*, p. 13.

<sup>164</sup> Schmitt, Carl. *RC*, p. 14.

<sup>165</sup> Schmitt, Carl. *RC*, p. 14.

<sup>166</sup> Schmitt, Carl. *RC*, p. 20.

<sup>167</sup> Schmitt, Carl. *RC*, pp. 20-21; *RK*, p. 34: modified – N.H..

<sup>168</sup> Schmitt, Carl. *RC*, p. 16.

fashion, which must also be served”<sup>169</sup>. But a religious conviction, a belief and an insistence upon the possibility of transcendence, a despair – these are not needs which can be satisfied. Thus, while it may seem that economic thought is actually capable of integrating many different factors, of explaining phenomenon of political, religious and psychological nature, providing a unified materialist reading of history, Schmitt does not see this as the capacity to integrate diverse phenomenon, but rather as the reduction of an organic whole into material objects understandable merely in terms of a rational-technical mechanism which is supposedly truly at their core. A voice cries out for meaning, for transcendence and salvation amidst the inhumane anonymity of the metropolis, but “Economic rationalism has accustomed itself to deal only with certain needs and to acknowledge only those it can ‘satisfy’”<sup>170</sup>. This materialist reductionism is what Schmitt calls economic thought's demand for “real presence of things”<sup>171</sup>, “the ‘immanent’ material basis”<sup>172</sup>.

It is in this search for the “‘immanent’ material basis” that Schmitt finds the central object of his critique, namely, that this technically precise explication of the cause-effect relationship in purely immanent terms is in fact, its own form of absolute irrationality, an irrationality rooted in its incapacity for mediation. Such exactness is a sign that economic thought has, in turn, excluded an essential moment from its considerations, “Economic rationalism has accustomed itself to deal only with certain needs and to acknowledge only those it can ‘satisfy’”: “In the modern metropolis [economic thought] has erected an edifice wherein everything runs strictly according to plan”<sup>173</sup>. Thus, “The political is considered

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<sup>169</sup> Schmitt, Carl. *RC*, pp. 15-16; *RK*, pp. 26-27. German original: “*Es gibt Menschen, die religiöse Bedürfnisse haben – gut, also handelt es sich darum, diese Bedürfnisse reell zu befriedigen. Das scheint nicht irrationaler zu sein als manche sinnlose Laune der Mode, die doch auch bedient wird*”.

<sup>170</sup> Schmitt, Carl. *RC*, p. 15. Regarding Schmitt’s relationship to Berlin see: *Berlin 1907 in Schmittiana: Beiträge zu Leben und Werk Carl Schmitts: Band 1*, ed. Tommissen, Piet. Berlin: Duncker & Humblot 2011, pp. 11-21; Schmitt, Carl. *ECS*, p. 35; *Hertweck/Kisoudis, Solange das Imperium da ist*, pp. 54-55. See further: Wirtz, Thomas. *Der Pendler Carl Schmitt*, pp. 406-415 in: *Preussische Stile: Ein Staat als Kunstwerk*, ed. Patrick Bahners and Gerd Roellecke, Stuttgart: Klett-Cotta 2001. See further: Heidegger, Martin. *Schöpferische Landschaft: Warum bleiben wir in der Provinz?*, pp. 9-13 in: *Gesamtausgabe*, Bd. 13: *Aus der Erfahrung des Denkens: 1910-1976*, ed. Hermann Heidegger, Frankfurt: Klostermann 1983. Of further interest is the general horror and anonymity felt by vast portions of the early 20th century intellectuals, not only in Berlin, but in metropolises such as Paris as well, expressed, for example, by Rilke in *The Notebooks of Malte Laurids Brigge*. One is reminded of the scene in the film *Berlin: Symphonie einer Großstadt* in which a suicide goes more or less unnoticed amidst the bustle of the metropolis.

<sup>171</sup> Schmitt, Carl. *RC*, p. 20; *RK*, p. 35: modified – N.H.. I have altered Ulmen’s translation of the phrase “*Realpräsenz der Dinge*” from “the actual presence of things” to “the real presence of things”.

<sup>172</sup> Schmitt, Carl. *RC*, p. 21.

<sup>173</sup> Schmitt, Carl. *RC*, p. 15. A noteworthy repetition of this critique can be found in the recent publication of a fragment from Schmitt’s literary estate in which Schmitt addresses the discussion in 1968 surrounding the introduction of an article (*Notstandsgesetz*) into the constitution of the German Federal Republic meant to address a “state of emergency”. Schmitt’s critique of this discussion is interesting in that, far from welcoming such a discussion and seeing in it a confirmation of his own theory, Schmitt sees in the 1968 discussion only a further will to “undisturbed functioning” (*ungestörten Funktionieren*). See: Meinel, Florian. *Diktatur der Besiegten? Ein Fragment Carl Schmitts zur Notstandsverfassung der Bundesrepublik*, pp. 455-73 in: *Der*

unobjective [*unsachlich*], because it appeals to values which are not economic”<sup>174</sup>. The economic cannot understand the “idea” or “ethos of conviction”<sup>175</sup>, without which “no political system can survive even a generation”<sup>176</sup>. What economic thought has forgotten is that politics is undertaken in “in the name of ‘right’ or ‘humanity’ or ‘order’ or ‘peace’”<sup>177</sup> and that a war waged, for instance, in the name of national freedom or liberty is based on something more than mere economic gain but that people are willing to die for a cause beyond their personal welfare. In order to illustrate this Schmitt draws upon the example of an employer who says to the workers, “I feed you” and the workers who answer “we feed you”<sup>178</sup>: “That is no struggle of production and consumption, in no sense something economic; it derives from a different conviction about what is moral or lawful. It concerns the ethical or legal determination of who is actually the producer, the creator and therefore the owner of modern wealth”<sup>179</sup>.

Economic thought, incapable of processing anything but the economic, can achieve its perfectly precise explanation of the cause-effect relationship only at the price of a radical exclusion of everything non-economic<sup>180</sup>. This exclusion results in what may be called the economic's deficient mode of being, its ‘false’ totality or, to put it more pointedly, its lie, and means that economic thought is defined by Schmitt less in terms of what it is and more by what it is not, by what it lacks, in short, by a fundamental absence, not by its capacity but by its incapacity<sup>181</sup>: “mechanism is not capable of creating a totality. Nor can the pure innerworldliness of an individual physical being arrive at a **meaningful** totality”<sup>182</sup>.

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Staat 52 (2013).

<sup>174</sup> Schmitt, Carl. *RC*, p. 16; *RK*, p. 27: translation – N.H.. German original: “*Das Politische ist ihm unsachlich, weil es sich auf andere als nur ökonomische Werte berufen muss*”. Cf. “The political is considered immaterial, because it must be concerned with other than economic values”.

<sup>175</sup> Schmitt, Carl. *RC*, p. 17; *RK*, p. 28: translation – N.H..

<sup>176</sup> Schmitt, Carl. *RC*, p. 17.

<sup>177</sup> Schmitt, Carl. *BdP*, p. 62.

<sup>178</sup> Schmitt, Carl. *RC*, p. 17; *RK*, p. 30: translation – N.H.. Cf. Marx, Karl. *Das Kapital. Kritik der politischen Ökonomie, Erster Band: Buch I: Der Produktionsprozeß des Kapitals*, chapter 8.1, p. 249, vol. 23 in: *Marx Engels Werke*, Berlin: Dietz 1972.

<sup>179</sup> Schmitt, Carl. *RC*, pp. 17-18.

<sup>180</sup> Cf. Otto Strasser’s critique of Marxists’ thought “Your [Marxists’] fundamental error is that you deny or ridicule and do not understand the soul and the spirit which moves all things”, cit. in Reich, Wilhelm. *Die Massenpsychologie des Faschismus*, Köln: Anaconda 2011, p. 28.

<sup>181</sup> An interesting point of contact can be seen here between Schmitt and the Marxist tradition of Horkheimer, Adorno and Lukács who saw in the ‘instrumentally’ rationalized world a false totality. Of particular interest is Lukács belief “that the ‘apparently complete’ rationalization of the world, although it reaches ‘all the way into the human being’s deepest physical and psychological being’, has its limits – it finds its limitations ‘in the formal character of its own rationality’” (Lukács, Georg. *Geschichte und Klassenbewußtsein* in: *Werke*, vol. 2, Neuwied: Luchterhand 1968). Lukács, Habermas writes, “counts on a reservoir which is resistant to objectification in the human being’s subjective nature”. See: Habermas, Jürgen. *TkH*, vol. 1. p. 491. The drawing of this parallel is, of course, not intended to equate the two arguments with one another, but merely to both note a similarity as well as to use this similarity for the purposes of mutual elucidation.

<sup>182</sup> Schmitt, Carl. *Der Staat als Mechanismus bei Hobbes und Descartes*, pp. 139-151 in: *SGN*, p. 146: emphasis



Schmitt's critique of capitalism and its dominance over the state has its ideological root in the inability of the economic to ever provide an ultimate meaning to life, to keep open the door to transcendence<sup>183</sup>. For Schmitt, capitalism, as economy, that is, in analogy to private law and in opposition to the public sphere of representation, remains a "system of needs" and thus denies the ideological basis of life and the possibility of sacrificing one's life for a substantive belief, for an idea, for something higher. And it is for this reason that, while Schmitt was certainly interested in maintaining a dominance of the bourgeoisie over and above the proletariat, and understood private property as a "basic right" in his *Verfassungslehre*, it is also incorrect to argue that Schmitt's thought centers around an "authoritarian liberalism"<sup>184</sup> and the establishment of an economic bourgeois hegemony. His insistence upon the superiority of the state over and above economy is a constant characteristic of his production, from the 1920's into the 1930's and underlies much of his support for the fascist, corporative model of the state<sup>185</sup>.

It is in this demand for an immanently "real presence of things" that we see the fundamental convergence of economic and Protestant as well as Romantic thought in Schmitt's critique and the reason for which even the most contrary attacks on the Catholic Church all really express the same radical dualism. For, at first glance, the relationship between economic and protestant thought seems one of opposition, that is, it seems as if economic thought insists upon finding an exact correspondence between cause and effect, while Protestantism's invisible god ultimately renders any causal relationship between God and dogma impossible. In the same way it seems that the economic's reduction of spiritual phenomenon to a material basis stands in absolute opposition to the Romantic's absolutely "incalculable" "relationship of the fantastic". Unlike the dream of a Romantic, "Economic thought has its own reasons and veracity in that it is absolutely material, concerned only with things"<sup>186</sup> and the critical lines which Schmitt wrote in *Political Romanticism* could just as well come from a proponent of "economic thought": "the Romantic believes to have heard what the bells said, while all the bells did was ring"<sup>187</sup>.

And yet the fundamental argument of *Roman Catholicism* lies therein that Schmitt

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– N.H..

<sup>183</sup> This necessity of keeping open the door to transcendence underlies Schmitt's "Hobbes-crystal", "the fruit of a lifelong work", Schmitt, Carl. *BdP*, pp. 113-114.

<sup>184</sup> Heller, Hermann. *Autoritärer Liberalismus?* (1933), pp. 643-653 in: *Gesammelte Schriften. Zweiter Band: Recht, Staat, Macht*, Leiden: Sijthoff 1971. With regard to Schmitt Heller's text refers primarily to Schmitt's lecture *Starker Staat und gesunde Wirtschaft*, held on November 23<sup>rd</sup>, 1932, pp. 71-91 in: *SGN*.

<sup>185</sup> Schmitt, Carl. *Wesen und Werden des faschistischen Staates*, pp. 124-130 in: *Positionen und Begriffe im Kampf mit Weimar – Genf – Versailles 1923-1939* (1940; henceforth: *PB*), corrected 4<sup>th</sup> edition, Berlin: Duncker & Humblot 2014.

<sup>186</sup> Schmitt, Carl. *RC*, p. 16.

<sup>187</sup> Schmitt, Carl. *PR*, p. 152.

makes clear the intimate relationship between the Protestant-Romantic denial of any causal relationship between the spiritual and the material and the economic's reduction of all spiritual phenomena to their material basis. Thus, it is not only clear that Schmitt, in thoroughly Weberian tones, sees Protestantism as culturally related to capitalism, it also becomes apparent that Protestantism's rejection of dogma and its emphasis on faith over and above confession is in effect a demand for the "real presence of things". While Protestantism demands the real presence of things because it cannot accept that God be partially visible or man only partially sinful, economic thought demands the real presence of things because it cannot cease to believe that there is, underlying everything, one single *material* cause. Ultimately, what neither can admit is the partial correspondence of things in a 'merely' mediated relationship. The description of a rationality capable of such mediation and therefore the truly real presentation of things is the attempt which we are offered by representative thought in *Roman Catholicism*.

#### **Excursus on the term "thought" (*Denken*)**

In examining Schmitt's critique of Protestant-economic thought we have at times spoken of Schmitt's critique of Protestantism and his defense of Catholicism. This characterization is, however, somewhat misleading. For, when Schmitt critiques Protestantism as the religion of "invisible interiority" it is important to keep in mind that Schmitt's interest does not lie in providing a complete picture of Protestantism, neither in all of its variants nor in the full complexity of its development and dogma, but rather in finding its metaphysical core, its idea or its "thought". Differentiating between the concrete political-historical manifestations of Protestantism, capitalism, or for that matter Catholicism, and their ideal content is central for understanding the methodology of Schmitt's own thought. Thus, when turning to *Constitutional Theory* in the next section of this chapter, it will be important to keep in mind that we are not dealing with "representative thought" as such, but with Schmitt's understanding of political *Repräsentation*. As a particular concept *Repräsentation* is not to be equated with representative thought as a whole, since representative thought is concerned with a much broader argument and explication of a way of thinking which exceeds the boundaries of a political term. A definition of what Schmitt means with the term "thought" is therefore of central importance not only for the previous and coming subsections, but also because in the second part of this chapter we will interact with two other forms of thought which Schmitt discusses: juristic and political thought.

Schmitt employs the term thought (*Denken*) repeatedly, in various contexts. In diverse

texts he writes of “decisionistic thought”, “representative thought”, “normative thought”, “liberal thought”, “republican thought”<sup>188</sup> as well as, in his 1934 work *On the Three Types of Juristic Thought*, “institutional thought”. In all of these cases the term *Denken*, ambiguously translatable as “thought”, is employed not to describe a particular concept or theory, but rather a **way of thinking**, that is, a way of viewing the world. At the same time, Schmitt's use of the term *Denken* should not be equated with a mere *Weltanschauung* or vague feeling. Rather, it signifies a strongly systematic approach to the world with its own unique principles.

Briefly turning to Schmitt's description of decisionistic thought makes this clear. In *Political Theology* Schmitt paradigmatically cites de Maistre's statement that “toute autorité est bon lorsqu'il est établi”, a phrase which, so absolute in its support, may have the appearance of an insanely blind belief in authority for the sake of authority<sup>189</sup>. Yet, when Schmitt refers to de Maistre, and more intently to Donoso Cortés, as representatives of a “decisionistic thought” he means to suggest that this otherwise irrational authoritarianism nonetheless obeys a particular logic. The principle from which such a decisionistic thought proceeds is the equivocation of anarchism with nihilism. The necessity of taking seriously this equation of anarchic chaos and real nothingness has been noted by Bernard Willms who sees in our difficulty to do so a “lack of fantasy” and the reason for which we “feel such outrage at the extent of the Leviathan's powers”<sup>190</sup>. Whether this equivocation is right or not cannot be answered here, and would require an in depth study of the significance of “nothingness” (*das Nichts*)<sup>191</sup> in Schmitt's thought, not only as the nihilist artistic source of the sovereign's juridical creative powers, but as the ultimate fear which Schmitt takes not as an abstract philosophical principle but in conceptually realistic earnestness, with absolute seriousness, and which is his not only Hobbes' “point of departure”<sup>192</sup> but Schmitt's as well, the object against which the entirety of his decisionistic thought is oriented. Based, that is, upon the

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<sup>188</sup> On “republican thought” see: *RC*, p. 14. The other terms are scattered throughout Schmitt's work as a whole and a list of the individual references would be nearly endless. All the terms are, however, to be found in *Political Theology* and *Roman Catholicism*.

<sup>189</sup> Schmitt, Carl. *PT*, p. 61.

<sup>190</sup> Willms, Bernard. *Die Antwort des Leviathan. Thomas Hobbes' politische Theorie*, Neuwied and Berlin: Luchterhand 1970, p. 136.

<sup>191</sup> Cf. Schmitt's citation of Bonald in *Political Theology* “*Je me trouve constamment entre deux abîmes, je marche toujours entre l'être e le néant*” (*PT*, p. 60). The importance of the equivocation of chaos and nothingness will return below in chapter 3.2.1.

<sup>192</sup> Cf. “The point of departure of Hobbes' construction of the state is the fear of the state of nature, its goal and end the security of the civil, state organized state of affairs. In the state of nature anyone can kill anyone; everyone knows that anyone can kill anyone; everyone is everyone's enemy and opponent – the famous *bellum omnium contra omnes*”. Original German: “*Ausgangspunkt der Staatskonstruktion des Hobbes ist die Angst des Naturzustandes, Ziel und Endpunkt die Sicherheit des zivilen, staatlichen Zustandes. Im Naturzustand kann Jeder Jeden töten; Jeder weiß, daß Jeder Jeden töten kann; Jeder ist jedes Andern Feind und Konkurrent – das bekannte bellum omnium contra omnes*” (*Der Staat als Mechanismus bei Hobbes und Descartes*, p. 139).

equivocation of civil war with an absolutely horrifying and absolutely real 'chaos', with nothingness itself, it becomes possible, indeed necessary and logical to conceive of a primacy of authority as such over and above the particular form of authority. This principle belief is central to decisionistic thought and in it we can see a parallel to the primacy of *Dasein* over *Sosein* – being rather than not being, as opposed to being this or that way – to which we pointed when reviewing the political existentialist interpretation of Schmitt's thought. Thus, given the primacy of authority, the substantive contents of the decision also recede into the background when faced with the presence of absolute chaos: “precisely in the most important matters it is more important that a decision is made”<sup>193</sup>. One may accept or reject this premise of decisionism, but only if accepted will decisionism make any sense and, conversely, when accepted, it also becomes clear that decisionistic thought is the only logical conclusion. Decisive for the characterization of an argument as a “thought” is that, based upon whatever principle it may be, the 'thought', in this case decisionism, builds a coherent system. The coherence of this system and the presence of this presupposition results in a particular mode of confrontation between opposing forms of thought, namely, mutual incomprehensibility. Thus, when Schmitt writes of Hobbes deeply juristic thought he also describes Hobbes opposition to the new scientific thought (*naturwissenschaftliches Denken*), not so much as one of rejection, but in the following rather passive terms of incapacity: “it is incomprehensible to him” (*ist ihm unverständlich*; Hobbes’ original English phrase which Schmitt provides is “we cannot understand”)<sup>194</sup>. The passivity of this formulation should suggest not so much that Hobbes understood and outright rejected scientific thought, but that its fundamental premise, beyond which one cannot argue, were incomprehensible to him. In the same way, Schmitt wrote of Donoso Cortés, employing the term “thought” once more:

Here it can only be pointed out that the theological manner of the Spaniard remains fully in the tradition of medieval thought, the structure of which is juristic. All of his perceptions, all his arguments are so down to the last atom juristic that he stood before the mathematic natural-scientificity (*Naturwissenschaftlichkeit*) of the 19th century with the same lack of comprehension as this natural-scientificity before the decisionism and specific coherence of that juristic thought which culminates in a personal decision<sup>195</sup>.

### **1.1.3. Repräsentation**

In *Roman Catholicism* Schmitt describes a Catholic Church capable of overcoming the

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<sup>193</sup> Schmitt, Carl. *PT*, p. 62.

<sup>194</sup> Schmitt, Carl. *PT*, p. 39.

<sup>195</sup> Schmitt, Carl. *PT*, p. 55.

dualistic philosophy of this age, the (mechanistic, technical, economic and protestant) “opposition of art and the work of man”, “of intellect and feeling or heart”. He describes a particularly Catholic logic in which “human labor and organic growth, nature and Ratio are one”, a unity of which “Viniculture is the most beautiful symbol”<sup>196</sup>. While Protestantism insists upon the absolute division of the human and the divine, the Catholic Church, certainly aware of the difference between nature and grace, remains unaware of such absolute differences. Instead, “the Marcionitic” and Protestantism's “either-or is answered with an as-well-as”<sup>197</sup> and thus:

The antithesis of man “by nature evil” and “by nature good” – this decisive question for political theory is in no sense answered by a simple yes or no in the Tridentine Creed. In contrast to the Protestant doctrine of the total depravity of natural man, this Creed speaks of human nature as only wounded, weakened, and clouded, thus permitting the use of some gradations and adaptations<sup>198</sup>.

So deeply holistic is this image of unity that – though Schmitt has just spent the last page linking Catholicism to agricultural existence in opposition to Protestantism' cosmopolitan capitalism – even the cities born of this vineyard “have a humanity (*Humanität*) that remains eternally inaccessible to the mechanistic precisionism of the modern industrial city”<sup>199</sup>. Here we may already note Schmitt's employment of the term “humanity” when writing of the Catholic Church's particular rationality. We will turn to examine this connection in more detail shortly.

For the time being we turn our attention to the concept of representation which underlies this particularly Catholic rationality and which is the source of the Church's incompatibility with economic thought: “nothing could be further from the idea of representation”<sup>200</sup>. We may begin by noting that Schmitt clearly wants to distinguish his concept of *Repräsentation* from the common conception of a representative political system. He writes that:

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<sup>196</sup> Schmitt, Carl. *RC*, pp. 10-11; *RK*, p. 18. I have altered Ulmen's translation of the following terms: *Menschenwerk*, ‘work of man’ instead of ‘enterprise’; *Wachstum*, ‘growth’ instead of ‘development’; and have left Schmitt's employment of the term ‘*Ratio*’ in its original form rather than translating it as reason, because the term is, even in the German, a foreign word and meant to further underscore the Church's “latin rationality” (Galli, Carl. *Genealogia*, p. 237).

<sup>197</sup> Schmitt, Carl. *RC*, p. 7. In particular Schmitt's mention of Marcion should make clear that Richard Faber's interpretation of Schmitt as “political Marcionism” (Faber, Richard. *Politische Dämonologie: Über modernen Marcionismus*, Würzburg: Königshausen & Neumann 2007) is, like any purely decisionistic reading, untenable as an interpretation of Schmitt's thought as a whole.

<sup>198</sup> Schmitt, Carl. *RC*, p. 8; *RK*, p. 13: modified – N.H..

<sup>199</sup> Schmitt, Carl. *RC*, p. 11.

<sup>200</sup> Schmitt, Carl. *RC*, p. 20. German original: “*Das ökonomische Denken kennt nur eine Art Form, nämlich technische Präzision, und das ist die weiteste Entfernung von der Idee des Repräsentativen*” (*RK*, pp. 34-35).

In the constitutional and political literature of the last century, [the “principle of representation”] stands for a representation of the people in contrast to another representative, namely, the king, although both together (or when there is a republican constitution, the parliament alone) represents ‘the nation.’ One accordingly says that [the Church] has ‘no representative institutions’ because it has no parliament and its representatives do not derive their authority from the people<sup>201</sup>.

This view is, for Schmitt, not only mistaken because the Church does indeed have a representative institution, but because it is modern parliamentarism and not the Church which lacks a true principle of representation. Understanding why and how Schmitt wants to read the concept of representation in this way means understanding what Schmitt sees as the erroneously exclusive equation of parliament with representation.

With his concept of representative thought Carl Schmitt sought to explicate a form of rationality beyond the dualisms of modernity. In this sense the term “representation” is ascribed a meaning which exceeds the boundaries of purely political representation. In order for us to arrive at this understanding of representation as a form of thought and not merely a political concept, it is, however, instructive and more manageable for us to begin by looking at Schmitt's far more systematic discussion of political representation in his 1928 work *Constitutional Theory*<sup>202</sup>. §16 of *Constitutional Theory*, which bears the title *Civil State of Law and Political Form*, is divided into four points, of which we will focus on the second. There Schmitt writes: “There are two opposing political principals of form, out of the realization of which every political entity (*Einheit*) receives its concrete form:”<sup>203</sup> identity (*Identität*) and *Repräsentation*<sup>204</sup>. Each of these principles represents a kind of relationship between a people, political party, or constituency, and its representative and, as such, two very different concepts of correspondence. The first principle which Schmitt addresses is identity, about which he writes: “[the nation (*das Volk*)] can be in, its very unmediated presence [...], capable of political action. In this case it is a political entity in its identity with itself”<sup>205</sup>. A

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<sup>201</sup> Schmitt, Carl. *RC*, pp. 25-26.

<sup>202</sup> One might note the original German title. Here I have reference this work by its standard English translation *Constitutional Theory* (trans. Jeffrey Seitzer with a foreword by Ellen Kennedy, Duke University Press: 2008). It seems to me, however, that the Italian translation: *Dottrina della Costituzione*, is in a certain sense truer to the German since the word ‘theory’ has a clear equivalent in German, namely *Theorie* and because a *Lehre*, often used in theological contexts, is something other than a *Theorie*.

<sup>203</sup> Schmitt, Carl. *Verfassungslehre*, p. 204. For an earlier and, while less systematic, similar discussion of the problem of identity see: Schmitt, Carl. *Parlamentarismus*, pp. 34-36.

<sup>204</sup> In the following sections I employ the German words *Repräsentation*, because I will shortly introduce a further distinction between two kinds of “representation”: *Repräsentation* and *Vertretung*. Both of these words would be translated into English as representation. Therefore, in order to avoid any confusion, I simply use the German terms.

<sup>205</sup> Schmitt, Carl. *Verfassungslehre*, p. 205.

classic example of this is the concept of an absolutely direct democracy in which all citizens participate in political life without representatives mediating between the masses and the executive. Identity is an exact correspondence between two things, the case in which the people has no representative, but is rather immediately present, really present.

“The opposing principle”, *Repräsentation*, “proceeds from the idea that the nation as such can never be present in true identity [with itself] and must, therefore, always be represented by individuals”<sup>206</sup>.

In a completely implemented democracy [...] in which the ‘whole nation’, that is, all active citizens, is assembled in one place, one has perhaps the impression that the nation itself acts in its unmediated presence and identity as nation and that one can no longer speak of *Repräsentation*. [...] In reality, however, at the very most only all adult members of a nation are active<sup>207</sup>.

*Repräsentation* is not the exact, i.e. identical correspondence between two things, but the possibility of a part representing the whole, that is, a *partial* correspondence. Whether it be a monarch (the purest form of *Repräsentation*), a parliament or, self-evident as this might seem, simply the fact that only adults participate in the political sphere, the principle of *Repräsentation* allows for a part to represent the whole. This principle of partial correspondence is central; what we can see in it is the political-theoretical corollary to the complexio of the Catholic Church, a logic capable of containing differences without annihilating them in a logic capable of accepting only absolute correspondence.

In *Roman Catholicism* Schmitt develops the political theory of *Repräsentation* to a philosophical principle, elevating it to the level of a ‘thought’. What we can see is that the two principles of political form, identity and *Repräsentation*, correspond, respectively, to the dualism of Protestant-economic thought and Catholicism's capacity for mediation. Because modern rationality knows only one kind of correspondence, that of identity, it sees everything short of absolute correspondence not as partial correspondence but as absolute difference. For modern, technical and protestant rationality, absolute correspondence is the only kind of correspondence that there is. The representative principle, on the other hand, is the capacity to simply accept a partial correspondence as a partial correspondence. In being able to accept the partial correspondence of nature and grace, dogma and God, the Church rejects Protestantism's either-or and offers an 'as well as' (*Sowohl-als auch*). Where the pathos of identity demands an “unmediated” presence, the Catholic Church founds itself upon the principle of *Repräsentation*, of the partial correspondence and therefore upon the very notion

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<sup>206</sup> Schmitt, Carl. *Verfassungslehre*, p. 205.

<sup>207</sup> Schmitt, Carl. *Verfassungslehre*, p. 206.

of mediation. The anthropological import of such a logic of mediation may be noted: not needing to decide if the human being is either good or bad, the Catholic Church can speak of its cloudedness, its ambivalence.

Locating the Catholic Church's great achievement in its representative thought, that is, in its ability to accept the existence of partial correspondences, may have the appearance of merely arguing for the Church's more 'sober' or 'realistic' view of the world, its awareness that political life is not always perfect and cannot always meet the demands of an ideology and to a certain extent Schmitt does indeed identify the Church's capacity for political existence in such a readiness for compromise. On the other hand, Schmitt's explication of representative thought has a more deeply lying goal. He intends to show not only that protestant-economic thought is incapable of providing the very "real presence of things" to which it lays claim, but moreover that, in its very acceptance of partial correspondence, it is the Catholic Church which is actually capable of revealing things in their "real presence".

In *Constitutional Theory* Schmitt attempts to further specify the nature of representation by differentiating between two terms, similar in meaning, but often confused: *Repräsentation* and *Vertretung*, both of which translate into English as "representation". While both might be defined with the most general definition of representation as the "making visible and presentation (*vergegenwärtigen*) of an invisible being by a publically present being"<sup>208</sup>, Schmitt goes through a great deal of effort to make clear that the two are not the same. Thus, after providing six characteristics which differentiate *Repräsentation* from *Vertretung*<sup>209</sup>, he writes:

That X steps up for the absent Y or for some thousand such Y's, is thus not yet representation. A particularly simple historical example of *Repräsentation* can be seen when a king is represented by an emissary to another king. '*Repräsentation* in the eminent sense' was clearly differentiated from the processes of *Vertretung* in the 18<sup>th</sup> century. [...] Representatives are the legislative body and the king (title III, art. 2 par. 2), while it is said of the 'administrateurs (Titl. III, chap. IV, sec. II art 2), that they have no 'caractere de representation'<sup>210</sup>.

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<sup>208</sup> Schmitt, Carl. *Verfassungslehre*, p. 209.

<sup>209</sup> Schmitt provides six characteristics of representation, "indispensable for theories of the state and constitution," which differentiate it from mere *Vertretung*. They are: that "Representation can only take place in the sphere of publicity [in der Sphäre der Öffentlichkeit]" (this should not be confused with the term 'public sphere'), that "Representation is not a normative proceeding, not a process and not a procedure, but rather something existential," that "the political unity as a whole is represented" (not one part of a political unity), that "The Representative is independent and therefore neither functionary nor agent nor commissioner", that "the absolute prince is also only representative of the political unity of the people," and that "the state as political unity rests upon a connection of two opposing principles of form, the principle of identity [...] and the principle of representation" (*Verfassungslehre*, pp. 208-214).

<sup>210</sup> Schmitt, Carl. *Verfassungslehre*, pp. 210-211.



*Repräsentation* is, in contrast to mere *Vertretung*, “not a normative process<sup>211</sup>, not a practice and not a procedure, but rather something existential”<sup>212</sup>. Schmitt believes that “that which serves only private affairs and interests can certainly be represented (in the less eminent sense – *vertreten*); it can find its agents, advocates and exponents, but it will not be represented in a specific sense. It either really is present or it is perceived through a designated person, an agent. In *Repräsentation* on the other hand, a higher mode of being appears”<sup>213</sup>.

Indeed, *Repräsentation* applies so exclusively to “a higher mode of being” that “Not only do the representative and the person represented require a value, so also does the third party whom they address”<sup>214</sup>. The nature of the representative act, to require a metaphysical, representative nature of all its participants, means that “One cannot represent oneself to automatons and machines”<sup>215</sup> and offers us the explanation for why “An alliance of the Catholic Church with the present form of industrial capitalism is not possible” and “The alliance of throne and altar will not be followed by an alliance of office and altar” nor of “factory and altar”<sup>216</sup>. “The Church requires a political form”, still present in the secular state, even if not to the same degree as in the Church, because “Without it there is nothing to correspond to its intrinsically representative nature”. This “intrinsically representative nature” is the seat of its “higher mode of being”, an “invisible being, which obviously transcends spatial-temporal facticity (Meuter, 1991)” and “is a matter of [...] an ‘intensified mode of being, capable of an elevation into public being and of an *existence*’ and which would best be circumscribed with terms such as ‘magnitude, highness, majesty, fame, dignity and honor [*Größe, Hoheit, Majestät, Ruhm, Würde, und Ehre*]”<sup>217</sup>. As Breuer's description makes clear, Schmitt's idea is both “obvious” and yet can only be “circumscribed” by a cluster of words, one of which, though it does not appear in the passage cited by Breuer, is *Würde* (dignity) a term used by Schmitt on several occasions in *Roman Catholicism and Political Form*, and which Schmitt applies in particular to the figure of the priest, to which we will turn shortly<sup>218</sup>.

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<sup>211</sup> Schmitt, Carl. *Verfassungslehre*, pp. 210-211: Representation is “incomprehensible by means of subsumations under general norms”.

<sup>212</sup> Schmitt, Carl. *Verfassungslehre*, p. 209.

<sup>213</sup> Schmitt, Carl. *Verfassungslehre*, p. 210.

<sup>214</sup> Schmitt, Carl. *RC*, p. 21.

<sup>215</sup> Schmitt, Carl. *RC*, p. 21.

<sup>216</sup> Schmitt, Carl. *RC*, p. 24.

<sup>217</sup> Breuer, Stefan, *Carl Schmitt im Kontext*, p. 104. Cf. Schmitt, Carl. *Verfassungslehre*, p. 210.

<sup>218</sup> While it is not the intention of this study to attempt a description of this “higher mode of being”'s relationship to the idea of dignity, it may at least be pointed out that the term “dignity” in its particular variant as the “dignity of man” was first formulated by Pico della Mirandola in his *Oration on the Dignity of Man*, in which he saw this dignity as being derived from man's freedom, a conception later echoed by Kant. This sense of man's “freedom” or “autonomy” is echoed, though perhaps disappointingly not in the liberal tradition of Mirandola or Kant when Schmitt writes that “the simple meaning of the representative principle

This difficulty of a clear conceptual definition is a problem which will accompany us for the remainder of our considerations and which we will address in somewhat more depth later in this chapter.

What is important is that we can begin to understand Schmitt's concept of *Repräsentation* not merely as a mode of mediation between radical dualisms, but as a concept of re-present-ation. It is in this light that we must read the following formulation of Schmitt's: "The association of the economic with the technical [...] requires the **real presence of things**"<sup>219</sup>. What Schmitt's description of economic thought really seeks to show is economic thought's inability to ever make something truly *present*. Economic thought may demand a real presence of things, and it may attempt to provide an explanation capable of presenting things in their real presence, but it cannot, because all of its explanations are subject to a radical lack or absence. It is in the context of a discourse on "presence" that the "representative principle" is revealed in its full dimensions. The fact that Schmitt argues against economic thought by means of the representative principle is no coincidence, but rooted in the very word '*representation*'. What the Catholic Church possesses is not merely the representative principle, but, as such, the possibility of making something present in the fullness of its reality, in its "higher mode of being".

In order to understand the kind of "real presence" and the "higher mode of being" of which Schmitt believes the Church's representative rationality capable, it is instructive for us to turn our attention to Schmitt's theorization of a particular figure. The figure to which we turn is that of the priest, representative thought's "greatest achievement"<sup>220</sup>. Drawing upon Max Weber's three types of leadership<sup>221</sup>, Schmitt positions the priest in clear opposition to a merely charismatic form of leadership, what he calls the "fanatical excesses of an unbridled prophetism", while at the same time arguing that the priest is more than the "functionary and commissar of republican thinking", more, that is, than Weber's notion of bureaucratic leadership<sup>222</sup>. In short, the priest is neither the uncontrollable anarchism of the Romantic poet-prophet in which the relationship between cause and effect cannot even be approximated, nor is the priest the uniform, mechanistic, economic-technical rationality of modern bureaucracy, the latter of which "is so far removed from Catholic rationalism that it can arouse a specific

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is that the delegates are representatives of the people as a whole and therefore have an independent dignity before the voters, without ceasing to derive this dignity from the people (not from the individual voters)" (*RC*, p. 26; *RK*, p. 44).

<sup>219</sup> Schmitt, Carl. *RC*, p. 20: emphasis – N.H..

<sup>220</sup> Schmitt, Carl. *RC*, p. 14.

<sup>221</sup> Weber, Max. *Wirtschaft und Gesellschaft*, ch. 3, particularly p. 159.

<sup>222</sup> Schmitt, Carl. *RC*, p. 14.

Catholic anxiety”<sup>223</sup>, namely, “that here the concept of the rational is warped fantastically, in a manner alien to Catholic sensibilities”<sup>224</sup>.

The term which Schmitt uses to define this middle position is that of the “office” (*Amt*). The “office” occupied by the priest differentiates itself from the two extremes of charismatic and bureaucratic leadership, each in a unique way: in differentiating itself from the charismatic “the priest upholds a position that appears to abstract completely from his concrete person”<sup>225</sup>, and yet this “dignity” only “appears” to abstract entirely from the Priest's concrete person, for in reality his dignity is also “*not impersonal* like that of the modern official, because his office is part of an unbroken chain linked with the personal mandate and concrete person of Christ”<sup>226</sup>. The position of the priest is that of the simultaneously unique and universal<sup>227</sup>. Put another way, the priest's nature is that of the “example” in the double sense of the word, as both a mere and singular example as well as a universally applicable example<sup>228</sup>. The same can be said of the word representative which means, on the one hand, the singular, most essential expression of a collective and on the other hand the most generally applicable case.

While we began this discussion of *Roman Catholicism* by framing it as a response to modern dualism, Schmitt's interest in the priest lies not merely in revealing modernity's

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<sup>223</sup> Schmitt, Carl. *RC*, p. 14.

<sup>224</sup> Schmitt, Carl. *RC*, p. 15.

<sup>225</sup> Schmitt, Carl. *RC*, p. 14; *RK*, p. 24. German original: “*Dadurch, daß das Amt vom Charisma unabhängig gemacht ist, erhält der Priester eine Würde, die von seiner konkreten Person ganz zu abstrahieren scheint*”.

<sup>226</sup> Schmitt, Carl. *RC*, p. 14; modified – N.H., cf. also Schmitt's discussion of early modern commissioners in *Die Diktatur. Von den Anfängen des modernen Souveränitätsgedankens bis zum proletarischen Klassenkampf* (München und Leipzig: Duncker & Humblot 1921), p. 50. Though a more detailed comparison of the two texts and indeed the connection which it suggests between the mediating rationality of the priestly office and the roots of a theoretically absolute decisionism exceeds the scope of this study, it is a point which this study implicitly attempts to problematize when emphasizing the strong presence of the mediating rationality and which is discussed somewhat explicitly in section 1.2.2. Important is that “‘The specific character of their position is characterized by their freedom, not only from the person of the sovereign prince who charged them with a task as well as their warrant, but also to complete the task in an expedient way without being bound to laws [...] The commissary stands in opposition to the well-ordered civil servant’ (*Die Diktatur*, p. 33)”, Schneider, Peter. *Ausnahmezustand und Norm. Eine Studie zur Rechtslehre von Carl Schmitt*, Stuttgart: Deutsche Verlags-Anstalt 1957, p. 67.

Schmitt's emphasis on the pope's still intact relationship to Christ himself is to be read in light of Schmitt's own awareness that “The moment of radiant representation is also already the moment in which the connection to the secret, unassuming beginning is endangered” (*Das Zeitalter der Neutralisierungen und Entpolitistierungen*, pp. 73-87 in: *BdP*, p. 86; henceforth: *ZNE*)

<sup>227</sup> It is interesting to note that this very problem of the individual's nature as both singular individual and yet part of a historical tradition or race is the explicit thematic of Kierkegaard's work *The Concept of Anxiety* (ed. and trans. Reidar Thomte and Albert B. Anderson, Princeton, NJ: Princeton University Press 1980) which Schmitt not only read, but which exerted a tremendous personal influence on Schmitt as evidenced in his diary entry from October 8<sup>th</sup>, 1914 (*Carl Schmitt: Tagebücher: Oktober 1912 bis Februar 1915*, ed. Ernst Hüsmert, Berlin: Akademie 2003, see also: p. 3 in the introduction to these diaries).

<sup>228</sup> Agamben, Giorgio. *La comunità che viene*, Torino: Bollati Boringhieri 2001, p. 14: “*Esso è una singolarità fra le altre, che sta però in luogo di ciascuna di esse, vale per tutte. Da una parte, ogni esempio è trattato, infatti, come un caso particolare reale; dall'altra, resta inteso che esso non può valere nella sua particolarità*”.

dualistic thought. It is, in light of economic-protestant thought's actual incapacity to achieve the real presence of things, his attempt to reveal why the Church's representative logic of mediation can, despite and also because of its very ability to accept only partial correspondence, render things truly present, in their "*Realpräsenz*". This emphasis on the office as a question of presence has been investigated recently by Giorgio Agamben who, summarizing the theologian Odo Casel's work, has written that: "For Casel this presence is, however, real (*wirklich*) and not merely effective (*wirksam*)"<sup>229</sup>. Nor does it surprise that Agamben writes of "representation in the literal sense of 'rendering present once more'" when summarizing Casel<sup>230</sup>. The difference which Agamben attempts to articulate, through Casel, between mere effectivity (*Wirksamkeit*) and true presence (*Wirklichkeit*) is the same difference which Schmitt is trying to articulate when he speaks of the Catholic Church's principle of representation. Just as the sacrament is more than mere *Wirkung*, so too the Church does not provide "formulas for the manipulation of matter"<sup>231</sup>, but rather represents *Wirklichkeit*, that is, as Casel writes elsewhere, a "full reality" (*volle Wirklichkeit*)<sup>232</sup> or an "objective mysterium filled with reality" (*objektives, wirklichkeitserfülltes Mysterium*)<sup>233</sup>.

The central insight of representation's integral relationship to presence is that it renders the true presence of things a mysterious phenomenon, in deep analogy to the idea of eucharistic transubstantiation<sup>234</sup>. We can thus cite Agamben's description of Casel's thought once more when he writes that "The term 'mystic presence' is, according to Casel, a tautology because 'presence participates in the essence of the mystery (Casel 4, p. 145)'"<sup>235</sup>. Economic thought, in demanding the explanation of the world in terms of absolute technical precision, destroys all mystery and therefore the possibility of true presence. For, if "presence participates to the essence of mystery", then it is also true that mystery belongs to all presence. What we can see is that the Catholic Church's "representative principle" is more than just its capacity to overcome the ubiquitous dualisms of modernity by means of a middle position. Rather, in this capacity to overcome modernity's dualistic world view, the Church attains the capacity to make present nothing less than God incarnate: "It represents the *civitas humana*, it represents in every moment the historical connection to the incarnation and

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<sup>229</sup> Agamben, Giorgio. *Opus Dei: Archeologia dell'ufficio: Homo sacer*, II,5, Torino: Bollati Boringhieri 2012, p. 51.

<sup>230</sup> Agamben, Giorgio. *Opus Dei*, p. 50.

<sup>231</sup> Schmitt, Carl. *RC*, p. 14.

<sup>232</sup> Casel, Odo, *Beiträge zu römischen Orationen*, pp. 35-45 in: *Jahrbuch für Liturgiewissenschaft* Bd. 11 (1931), p. 38.

<sup>233</sup> Casel, Odo. *Mysteriengegenwart*, pp. 145-224 in: *Jahrbuch für Liturgiewissenschaft* Bd. 8 (1928), p. 200.

<sup>234</sup> Lange, Christoph. *Myterium Wirklichkeit: Walter Warnach und der politische Manierismus Carl Schmitts*, München: Fink 2003, p. 140. Like Agamben, though less extensively, Lange invokes Casel's work, p. 142.

<sup>235</sup> Agamben, Giorgio. *Opus Dei*, p. 50.

crucifixion of Christ, it represents Christ himself, personally, the God who became man in historical reality”<sup>236</sup>.

#### 1.1.4. Human rationality

Proceeding from our investigation of representative thought and keeping in mind its fundamental character of partial correspondence and full presence, we now turn to look at the way in which Schmitt describes the Catholic Church in its relationship to the human and, in particular, the way in which he wants to describe the Church’s representative rationality as particularly human. What we want to show is that, in confirming Schmitt’s description of this representative thought in its humanity, we can also see that Schmitt conceives of the human as a particular form of rationality, that is, a particular mode of thought and access to the world, characterized not only by the idea of partial correspondence, but also by that of a middle position between the two irrationalities of an overly subjective Romantic fantasy and an overly objective technicity. In order, therefore, to understand the distinctly rational and human nature of the Catholic Church’s representative thought, we begin briefly returning to look at how Schmitt describes the particular irrationality of economic thought.

This irrationality of economic thought becomes clearly visible when Schmitt writes, as we have seen, that “In the modern economy, a completely irrational consumption conforms to a totally rationalized production. A marvelously rational mechanism serves one or another demand, always with the same earnestness and precision, be it for a silk blouse or poison gas or anything whatsoever”<sup>237</sup>. This ultimate irrationalism of economic thought “is so far removed from Catholic rationalism that it can arouse a specific Catholic anxiety”<sup>238</sup>. Turning to *Political Theology*’s third chapter we read a formulation almost identical to that of *Roman Catholicism* when Schmitt writes: “The materialist explanation renders an isolate observation of ideological consistency impossible because it sees everywhere only ‘reflexes’, ‘reflections’ and ‘disguises’ of economic relationships. [...] Precisely because of its massive rationalism economic thought can, however, easily turn into an irrational understanding of history”<sup>239</sup>. For the time being we need not concern ourselves with Schmitt’s historico-philosophical argument in this passage. Important is Schmitt’s argument for the possibility of economic thought’s irrationality precisely “because of its massive rationalism”.

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<sup>236</sup> Schmitt, Carl. *RC*, p. 19; *RK*, p. 32: modified – N.H.. The original German reads: “*Sie repräsentiert die civitas humana, sie stellt in jedem Augenblick den geschichtlichen Zusammenhang mit der Menschwerdung und dem Kreuzesopfer Christi dar; sie repräsentiert Christus selbst, persönlich, den in geschichtlicher Wirklichkeit Mensch gewordenen Gott*”.

<sup>237</sup> Schmitt, Carl. *RC*, p. 14.

<sup>238</sup> Schmitt, Carl. *RC*, p. 14.

<sup>239</sup> Schmitt, Carl. *PT*, p. 48.

That economic thought is ultimately irrational is one point. More important, however, is that “this system of unwavering objectivity” calls forth the “specific Catholic anxiety” and horrifies the devout Catholic “**precisely in its rationality**”<sup>240</sup>. Representative of Schmitt's numerous descriptions of Catholicism in its deeply rational nature is the sentence: “The Church has its particular rationality”<sup>241</sup>; it is “rational to the highest degree”<sup>242</sup>. Rationalism and, more specifically, the “rationalist”<sup>243</sup> are characteristics of the scientific-technical world view, not to be confused with human rationality. And of the Church's distinction between the office and person of the priest Schmitt writes that “In such distinctions lie Catholicism’s rational power of creation and, simultaneously, its humanity”<sup>244</sup>. Thus, the opposition between this humanity of Catholicism and a “mechanistic precisionism”<sup>245</sup> should not lead us to believe that Schmitt's thought can be understood as mere anti-technological irrationalism. Instead he assigns a specifically Catholic, Roman rational character to this humanity.

With his description of the Catholic Church Schmitt wants to make plausible the Church’s claim to a not only alternative but even superior form of reason. Thus, despite what might seem to be an opposition between Catholicism and rationalism, the opposition of technology and religion is not a matter of the irrational and the rational, but of two forms of rationality. Indeed, a dichotomy between technical, economic rationality and religious irrationality is in fact precisely the kind of dualism proper to the modern age, a sign not of its superior technical rationality, but of its tremendous deficit. It “misses the essential point, because it identifies rationalism with the thinking of the natural sciences and overlooks the fact that Catholic argumentation is based on a particular mode of thinking whose method of proof is a specific juridical logic and whose focus of interest is the normative guidance of human social life”<sup>246</sup>.

Thus, after it becomes clear that Schmitt is interested in challenging the monopoly on reason to which modern scientific thought lays claim and in revealing Catholicism’s profound rationality, it also becomes clear that this alternative rationality of the Catholic Church is, for Schmitt, incomprehensible without its rootedness in the humanity of the Church and its logic. A brief overview of the variations on the human which Schmitt employs to describe this specifically Catholic rationality illustrates well just how anthropomorphic

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<sup>240</sup> Schmitt, Carl. *RC*, pp. 14-15; *RK*, pp. 24-25: modified and emphasis – N.H..

<sup>241</sup> Schmitt, Carl. *RC*, p. 13; *RK*, p. 23: modified – N.H..

<sup>242</sup> Schmitt, Carl. *RC*, p. 8; *RK*, p. 14: modified – N.H..

<sup>243</sup> Cf. Schmitt, Carl. *RC*, p. 23. Ulmen translates “*Rationalistische*” as “rational” rather than “rationalist, cf. *RK*, p. 39ff.

<sup>244</sup> Schmitt, Carl. *RC*, p. 14; *RK*, p. 24: modified – N.H..

<sup>245</sup> Schmitt, Carl. *RC*, p. 11.

<sup>246</sup> Schmitt, Carl. *RC* p. 12.

Schmitt's understanding of the Catholic rationality is: “The rationalism of the Roman Church morally encompasses the psychological and sociological nature of the human being”<sup>247</sup>; “[Catholic cities] have a humanity”<sup>248</sup>; “In such distinctions lie Catholicism’s rational power of creation [*rationale Schöpferkraft*] and, simultaneously, its humanity. It remains within the realm of the humanly-spiritual [*bleibt im Menschlich-Geistigen*]”<sup>249</sup>; “It represents the *civitas humana*”<sup>250</sup>; “This world has its own hierarchy of values and its own humanity”<sup>251</sup>; “rhetoric in its grand sense is a sign of human life”<sup>252</sup>; “It [the eternal opposition of justice and beauty] lies in the general sphere of the human [*im allgemein Menschlichen*]”<sup>253</sup>; “the personalism inherent in the idea of representation is human in the deepest sense”<sup>254</sup>.

Here, one of the terms which Schmitt employs can be emphasized in particular: “In struggles with sectarian fanaticism, the Church was always on the side of the healthy human understanding [*gesunden Menschenverstand*]”<sup>255</sup>. The term of importance in this passage, which Ulmen translates as “common sense”, is the “*gesunde[r] Menschenverstand*”. Now, in a certain sense Ulmen’s translation is more accurate than the literal translation I would like to employ, because it captures the idiomatic and itself generally understood meaning of this figure of speech. Nonetheless, I choose to employ the translation “healthy human understanding” because it uncovers the literal meaning of this phrase which its idiomatic nature has a tendency to cover up, namely, its connection to the human. By considering the “healthy human understanding” as something more than just a commonplace phrase we can also become aware of the argumentative position of this term almost a *terminus technicus* in Schmitts vocabulary<sup>256</sup>.

This passage in *Roman Catholicism* is not the first time Schmitt has used the term “healthy human understanding”. At the end of *Political Theology*’s second chapter, Schmitt employs the term to describe the way that Hobbes addresses sovereignty:

That one speaks of super and subordinations and at the same time tries to remain abstract is incomprehensible to him [...] He illustrates this with one of those comparisons which he, in the unwavering sobriety of his healthy human

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<sup>247</sup> Schmitt, Carl. *RC*, p. 13.

<sup>248</sup> Schmitt, Carl. *RC*, p. 11.

<sup>249</sup> Schmitt, Carl. *RC*, p. 14; *RK*, p. 24: modified – N.H..

<sup>250</sup> Schmitt, Carl. *RC*, p. 19; *RK*, p. 32: modified – N.H..

<sup>251</sup> Schmitt, Carl. *RC*, p. 20.

<sup>252</sup> Schmitt, Carl. *RC*, p. 23; *RK*, p. 39: modified – N.H..

<sup>253</sup> Schmitt, Carl. *RC*, p. 31; *RK*, p. 53: modified – N.H..

<sup>254</sup> Schmitt, Carl. *RC*, p. 33.

<sup>255</sup> Schmitt, Carl. *RC*, pp. 13-14.

<sup>256</sup> Regarding the terminological nature of the ‘healthy human understanding’ see: Alexander von Maydell and Reiner Wiehl’s entry to *Gemeinsinn* in: *Historisches Wörterbuch der Philosophie*, vol. 3, ed. Joachim Ritter and Karlfried Gründer, vol. 6, Basel: Schwabe 1984, pp. 243-247.

understanding, knows how to apply so powerfully: a power or order can be subjugated to another one in the same way as the art of the saddler is subjugated to that of the knight; but the essential thing is that, in spite of this abstract ladder of orders, no one thinks to therefore subjugate every individual saddler and obligate him to obedience to every individual knight<sup>257</sup>.

The decisive point for our study is not the way that this explanation illustrates Hobbes' justification of the state's subjection to spiritual powers, but the way that this explanation illustrates what Schmitt means by the “unwavering sobriety of his healthy human understanding”. The point is that Hobbes' understanding of “Subjection, Command, Right and Power” can neither be reduced to an abstract formula nor does it, however, result in a loss of structure. The healthy human understanding is that capacity to remain in the middle, neither without system nor over systematized, neither anarchic nor technical-economic and therefore beyond the dualistic view of the world in which both of these absurd alternatives participate. It is in this sense that Schmitt's statement regarding the Tridentine dogma's permitting of “the use of some gradations and adaptations”<sup>258</sup> can be understood in its relationship to the “hierarchy” of this Catholically understood world. This “healthy human understanding” is adopted by Schmitt as an expression for the capacity to differentiate, a differentiation which cannot remain merely horizontal but must also encompass the verticality of this world and which must therefore account for the question of authority because as much as Schmitt is at tremendous pains in this text to reveal the diversity and flowering of the Church as *complexio oppositorum*, so too the very thought of the *complexio oppositorum* must also itself house the opposition of authority and anarchy<sup>259</sup>. This is “Catholicism's rational power of creation and,

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<sup>257</sup> Schmitt, Carl. *PT*, p. 39.

<sup>258</sup> Schmitt, Carl. *RC*, p. 8.

<sup>259</sup> This study's reading of *Roman Catholicism* is focused primarily on revealing the centrality of a concept of the human and its rationality for *Roman Catholicism*'s argument. In doing so the question of the Church's authoritarian structure is, one could criticize, somewhat neglected: “Consequently, [the Church] represents “from above” (*RC*, p. 26.); “there is no politics without authority” (*RC*, p. 17). This critique is not completely misplaced. The following study does not, however, have the intention of covering up this authoritarianism nor of portraying Schmitt as an anti-authoritarian proponent of the *complexio oppositorum*. Instead, our focus on *Repräsentation* should also make clear that authority is part of a “dialectic of representation” (see: Kaiser, Joseph H. *Die Dialektik der Repräsentation*, pp. 71-81 in: *Festschrift für Carl Schmitt zum 70. Geburtstag*, ed. Hans Barion, Ernst Forsthoff, Werner Weber. Berlin: Duncker & Humblot 1959) as well as, in English: Kelly, Duncan. *Carl Schmitt's Theory of Representation*, pp. 113-134 in: *Journal of the History of Ideas*, vol. 65, no. 1 (Jan., 2004)) in which “the simple meaning of the principle of representation is that the members of parliament are representatives of the whole people and thus have an independent authority *vis-à-vis the voters*. Instead of deriving their authority from the individual voter, they continue to derive it from the people” (*RC*, p. 26), which is to say they derive it from an idea, a hypostatized entity. The relationship between representation and authority finds a classic expression in chapter 16 of Hobbes' *Leviathan*, entitled *Of Person, Autors and Things Personated of the Leviathan*: “A person is he whose words and actions are considered either as his own or as representing the words or actions of an other man, or of any other thing, to whom they are attributed, whether truly or by fiction” (Hobbes, Thomas. *Leviathan*, p. 101); see thereto: Pitkin, Hannah. *The Concept of Representation*, Berkley and Los Angeles: University of California Press 1967, pp. 14-37.



simultaneously, its humanity. It remains within the realm of the humanly-spiritual without exhibiting the dark irrationalism of the human soul”<sup>260</sup>. The capacity to perceive this middle ground, irreducible to a formula and yet still a system of its own is the meaning of the healthy human understanding.

### 1.1.5. To a conception of the human

On the basis of these observations we now turn to put forth an initial circumscription of the concept of the human as this study wants to employ it. Firstly, we may remember that a primary characteristic of this conception of the human is, as we noted in the introduction, the difference in which it stands to a concept of the human being. We are dealing, in other words, not so much with a fixed concept of the human being which can be defined, but with an attempt to describe what it is which makes something, in this case a form of rationality, particularly human.

In order to understand what this means it is useful for us to recall that Schmitt himself famously drew a distinction similar to that between the human being and the human in another field of inquiry, namely, between politics and the political. At the beginning of *The Concept of the Political* Schmitt writes: “One seldom finds a clear definition of the political. [...] Generally, ‘political’ is in some way equated with ‘stately’ or at least related to the state”<sup>261</sup>. Schmitt's concern in this passage and work is “to clear the path”<sup>262</sup> in order that the “political as such” (*Politische überhaupt*)<sup>263</sup> and not just the state can come into view. The similarity between our attempt to free a concept of the human from a pre-determined entity called the human being and Schmitt's attempt to free “the political” (*das Politische*) from “politics” (*Politik*) lies therein that the human, like “the political” is a concept without “its own field of study” (*Sachgebiet*)<sup>264</sup>. What we want to determine is, while not precisely the “degree of intensity” (*Intensitätsgrad*) with which Schmitt describes the political, nonetheless a degree of sorts, a level, a certain plane of existence located between the fantastically irrational and the technically rationalistic<sup>265</sup>. The concept of the human designates a characteristic, not an object, and it is only because it lacks a substantive field that it is possible, not only for us, but for Schmitt to speak of a particularly human rationality, to assign, that is, the character of the human to a substance decidedly distinct from the concrete

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<sup>260</sup> Schmitt, Carl. *RC*, p. 14; *RK*, p. 24: modified – N.H..

<sup>261</sup> Schmitt, Carl. *BdP*, p. 20.

<sup>262</sup> Schmitt, Carl. *BdP*, p. 109.

<sup>263</sup> Schmitt, Carl. *BdP*, p. 22.

<sup>264</sup> Schmitt, Carl. *BdP*, p. 36.

<sup>265</sup> Schmitt, Carl. *BdP*, p. 36.

human being, namely, to a way of thinking.

The characteristic, that is, the non-substantive nature of this concept of the human becomes clear when we consider the striking rhetorical difference between the terms “*humanité*” or “*Menschheit*” which Schmitt critiques in *The Concept of the Political* and his positive employment of terms like “*Humanität*”, “*Menschlichkeit*” and “the humane” (*das Humane*) in *Roman Catholicism*<sup>266</sup>. Without wanting to enter too deeply into the ultimately irresolvable question of these semantic fields' connotations, it can be said that Schmitt's argument in *Roman Catholicism* differentiates itself from his critique of humanity in that it is not a definition of humanity as the collective of human beings but rather the attempt to describe the characteristic sense of what it means for something to remain within the realm of the human, for which reason he, with both “*Menschlichkeit*” as well as “*das Humane*”, employs substantivized adjectives, that is qualities. Recently, Jürgen Habermas has described Schmitt's attitude towards a concept of “humanity” in the context of its resonance among American neo-conservatives: Schmitt “lumps humanity (*Humanität*) together with beastiality”<sup>267</sup>. While it is indeed true that Schmitt waged an intellectual war against the idea of a civilizing “*humanité*”, it is also ironic that Habermas should emphasize Schmitt's distaste for *Humanität* because it is precisely in a concept of *Humanität* that a part of Schmitt's deepest anthropological thought is to be found. We will return to examine Schmitt's critique of the terms “*humanité*” and “*Menschheit*” and, in particular, to look at a logical problem which it causes in Schmitt's thought at the end of this chapter.

The human, as Schmitt wants to employ it in *Roman Catholicism* is rooted in a sense of proportion, in understanding the parameters between which the human being moves. It is interested in grasping the human, in a way similar to the philosophical anthropology of Max Scheler and Helmuth Plessner, in difference to the merely biological which ultimately amounts to a technical machine (*Betrieb*), regulated only by materially immanent needs, and yet, at the same time, to insist upon the inability of a purely technical thought to grasp the humanity of the human being. The focus of the present chapter lies in describing the general way in which Schmitt's thought can be seen as an attempt to overcome the problem of modernity's dualistic thought. By examining his concept of representative thought we have tried to show that Schmitt is not only interested in finding a solution to dualistic thought, but also that he conceives of this higher, non-dualistic form of rationality in the explicit terms of

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<sup>266</sup> Here I generally provide the German terms, because the differences between the terms he uses are lost in translation into English. For, with the exception of “*das Humane*” which could be translated as “the humane”, all other terms translate as “humanity”.

<sup>267</sup> Habermas, Jürgen. *Der gespaltene Westen*, p. 31.

the human. This employment of the human as a descriptor is, however, also more than one adjective among others. The specific conceptual meaning of the human is the two-fold designation of, firstly, an existence located between an overly occasionalist, agonistic Romanticism and a pretentiously objective dogmatic pseudo rationality of economic thought and, secondly, a rationality which accounts for this neither purely material nor purely spiritual mode of existence; inhabitant and observer of the particularly human sphere of existence it is the only thought capable of overcoming the radical dualisms of modernity and revealing the world in its “real presence” (*Realpräsenz*).

What significance such a concept of the human carries for the interpretation of Schmitt’s thought can be seen if we recall the exclusively pessimistic-decisionistic anthropology so often attributed to Schmitt’s thought. Thus, while not intended to negate the presence of authoritarian, dualistic-decisionistic elements in Schmitt’s thought, it should also be clear by now that no reading of Schmitt’s thought is complete unless it accounts for the pathos of holistic mediation beyond that of mere decisionism, articulated with particular clarity in *Roman Catholicism*. This holism has been picked up on by Ruth Groh: “Schmitt understands this regression, the ‘true *ritornar al principio*’ as a ‘return to the undistorted, uncorrupted nature’. [...] Where is there space in his thought, a place in his discourse, for the concept of a ‘undistorted, uncorrupted nature’, which has within it an upright knowledge which we might ascertain?”<sup>268</sup>. Why, in other words, did the presumably so pessimistic thinker of the political also once write in *The Visibility of the Church* that: “Whoever still recognizes the sin of men so deeply is forced by the incarnation of God to return to the belief that the human being and the world are ‘by nature good’”<sup>269</sup>? Is this not more than an aberration, ascribable to a certainly unimportant and eccentrically ‘early’, ‘catholic’ text of the ultimately Manichean misanthropic political thinker<sup>270</sup>? Nicolaus Sombart’s 1991 study *The German Men and their Enemies (Die Deutsche Männer und ihre Feinde)* also approaches this question, though formulated differently. Reading Schmitt psychoanalytically, Sombart has argued that Schmitt, the product of Willhelmine Germany who knew no revolt against the mother<sup>271</sup>, dreamt, with so many of his contemporaries, of a revolt against the father, against the suffocatingly authoritarian and militaristic organization of prussianized Germany, possessed by the oedipal desire, with which Schmitt describes Kleist in the essay *Two Graves*,

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<sup>268</sup> Groh, Ruth. *Heillosigkeit der Welt*, p. 293. The phrases “ritornar al principio” and “return to the undistorted, uncorrupted nature” can be found in: *ZNE*, p. 86.

<sup>269</sup> Schmitt, Carl. *The Visibility of the Church*, pp. 45-59 in: *RC*, trans. Ulmen, G.L.; German: *Die Sichtbarkeit der Kirche*, pp. 100-116 in: *Der Fürst dieser Welt*.

<sup>270</sup> Galli, Carlo. *Genealogia*, p. 230.

<sup>271</sup> Schmitt, Carl. *RC*, p. 8: “Has there ever been a revolt against the mother?”.

to find “the empress’ bed”<sup>272</sup>. Not only Schmitt, but an entire generation of German thinkers put forth the strongest arguments for an authoritarian, patriarchal world view and society while secretly dreaming of a freedom from all authority<sup>273</sup>. Thus, Sombart argues, Schmitts work *Land and Sea (Land und Meer)* is, in reality, a return to the sea, “le retour à la mer” – “Oh oracle-like nature of language” – to the French “mère”, a return to the mother<sup>274</sup>. Sombart’s interpretation is certainly unique and diverges from both the mainstream juristic-political reading as well as Groh’s mythical theological reading. Yet, what Groh’s question as well as Sombart’s study attempts to reveal is the presence of what we might call an ‘anthropological negative’. This anthropological negative is, like the negative of a photograph, an inversion. The anthropological negative is not therefore the negative anthropology, but rather the negative of the negative anthropology, in short, a positive anthropology. Parallel to, in almost perfect opposition to everything that he argued in his writings, Schmitt’s most secret and deepest desire was not the patriarchal authoritarianism of *Political Theology*, not the *Victory of the Soldier over the Bourgeoisie*<sup>275</sup>, but the ecstatic release, the absolute dissolution of all authority: “the true ‘ritornar al principio’”, “retour a la mère”, not the radically decisionistic sovereign, but the holistic vision of the human in all its presence.

Without depicting Schmitt as a secret anti-authoritarian, the concept of the human which we are investigating necessarily contradicts an overly authoritarian and, regarding the *Concept of the Political*’s anthropological confession, therefore anthropologically pessimistic reading of Schmitt’s thought. What emerges from an anthropological reading of *Roman Catholicism* is a conception of the human beyond the dualistic thought of modernity, not that of an isolated individual but rather a human existence embedded in its corresponding “civitas humana”, a picture of the human at once anti-technological and opposed to the “Präzisionsmechanismus” and yet in possession of the deeply rational capacity for distinctions. It is this middle position to which Schmitt refers with the “specific rationality” of the Catholic Church, its “healthy human understanding”. The principle of the healthy **human** understanding is a non systematic and yet coherent sense or feel, not so much for the ‘rational’

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<sup>272</sup> Schmitt, Carl. *Zwei Gräber*, pp. 35-53 in: *ECS*, p. 43. Sombart, Nicolaus. *Die deutsche Männer und ihre Feinde. Carl Schmitt – ein deutsches Schicksal zwischen Männerbund und Matriarchatsmythos*, München: Hanser 1991, p. 360.

<sup>273</sup> Whether or not Sombart’s all too often disparagingly received interpretation of Schmitt goes too far in its psychoanalytic reading of Schmitt’s thought need not be resolved here. Important is that Sombart’s study represents the most extensive analysis in the tradition of Adorno (*The Authoritarian Personality*, New York: Harper 1950), Fromm (*Escape from Freedom*, New York and Toronto: Farrar & Rinehart 1941) and Reich (*Massenpsychologie des Faschismus*), of a clearly present ‘authoritarian character’s’ presence in Schmitt’s thought.

<sup>274</sup> Sombart, Nicolaus. *Die deutsche Männer und ihre Feinde*, p. 304.

<sup>275</sup> Sombart, Nicolaus. *Die deutsche Männer und ihre Feinde*, pp. 22-30; Schmitt, Carl. *Der Sieg des Bürgers über den Soldat*.

but for the 'reasonable' and the plausible<sup>276</sup>. Opposed to the distortion of the golden middle, Schmitt's concept of a “healthy human understanding” is the basis upon which “the antithesis of man ‘by nature evil’ and ‘by nature good’ – this decisive question for political theory – is in no sense answered by a simple yes or no in the Tridentine Creed”<sup>277</sup>.

Thus far we have focused on investigating and bringing to light the structure of this specifically human rationality, focusing on Schmitt’s explicit interaction with this discourse on rationality in its Catholic form. In order to see that and how this concept of a human middle is anything but a footnote in Schmitt’s thought it is instructive for us consider two other ways in which the conception of the human makes itself visible in Schmitt's thought.

## **1.2. Thoughts of the Human**

Having now seen how Schmitt's formulation of a specifically human rationality can allow us access to of a concept of the human, we now turn to examine two further ways in which this conception of the human manifests itself. In analyzing Schmitt's concept of representative thought we devoted some energy to exploring the way in which Schmitt employs the term thought (*Denken*) in order to describe particular forms of thought, looking in particular at the example of decisionistic thought. The following sections are devoted to looking more closely at two other forms of thought which Schmitt invoked in his works: juristic thought (1.2.1-2) and concrete order thought (1.2.3), both of which, it will be argued, represent corollary manifestations of the particularly human rationality of the Catholic Church, attempts on Schmitt's part to explicate a particularly human mode of understanding the world.

### **1.2.1. Anthropology and the juristic**

“Yet the exception remains accessible for juristic cognition because both elements, the norm as well as the decision, remain within the framework of the juristic”.

Carl Schmitt – *Political Theology*<sup>278</sup>.

Parallel to his conception of a concept of a specifically human rationality of the Catholic Church, Schmitt writes of the Church's “essentially juristic” nature. As part of this identification of the “juristic” nature of the Church, Schmitt makes multiple references to

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<sup>276</sup> On “The Reasonable” see: Rawls, John. *Political Liberalism*, New York: Columbia University Press 1996, pp. 48-66.

<sup>277</sup> Schmitt, Carl. *RC*, p. 8.

<sup>278</sup> Schmitt, Carl. *PT*, p. 19.

what he calls “juristic thought”. This “juristic thought” is both informed by and informs Schmitt's concept of a particularly human rationality. It is therefore instructive for us to examine the way in which Schmitt wants to conceive of jurisprudence as a particularly human field of study and the human as a particularly juristic concept. In order to understand the way in which this study intends to approach the juristic it is useful for us to begin our considerations with a concrete problematic in scholarship concerning Schmitt's anthropology.

The discussion of Schmitt's anthropology has, from its earliest texts, partaken in an attempt to consider Schmitt's thought in a meta-political or meta-juristic fashion. Thus, as in the cases of von Krockow, Kennedy, Bürger, Meier or Groh, anthropological studies have tended to argue against a 'strictly' political-juristic reading of Schmitt's thought, suggesting that other more deeply philosophical or theological questions play a considerable role in Schmitt's thought. This sentiment has been expressed by Helmuth Quaritsch when he wrote that “Carl Schmitt’s second academic existence was rooted in [jurisprudence’s] neighboring fields”<sup>279</sup>. A certain opposition to “juristic” readings of Schmitt's thought, an attempt to expand the boundaries of Schmitt's thought beyond the juristic and into the philosophical, the sociological, the aesthetic, the theological, is present in nearly every work of anthropological Schmitt-scholarship.

This perennial rejection of the 'objectivist' or 'juristic' nature of Schmitt's thought by anthropologically oriented studies has been picked up on by the more political-juristic interpreters of Schmitt. In the Fall 1992 volume of the journal *Telos* two essays of varying anthropological focus were published: *A Girardian reading of Schmitt's “Political Theology”* by W. Palaver and *Anthropological Theology/Theological Anthropology: Reply to Palaver* by G.L. Ulmen<sup>280</sup>. Interesting about this exchange of essays is Ulmen's response to Palaver’s thesis that Schmitt’s political theology revolves around an idea of sacrificial violence<sup>281</sup>. Ulmen’s argument is, in its overarching critique, that Palaver unjustly abstracts Schmitt's thought beyond the bounds of what can reasonably be called its focus, 'anthropologizing' Schmitt's thought beyond the juridical setting proper to it<sup>282</sup>. What Ulmen and Palaver touch upon here is, in fact, a larger problem within Schmitt scholarship, namely, whatever one may make of Palaver’s argument, a nonetheless very real uncertainty as to the 'nature' of Schmitt's

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<sup>279</sup> Quaritsch, Helmut. *Positionen und Begriffe Carl Schmitts*, Berlin: Duncker & Humblot 1995, p. 11.

<sup>280</sup> See also: Pan, David. *Enemies, Scapegoats and Sacrifice: A Note on Palaver and Ulmen* in the same volume, pp. 81-88 in: *Telos* no. 93 (Fall 1992).

<sup>281</sup> Palaver, Wolfgang. *A Girardian Reading of Schmitt's Political Theology*, pp. 43-68 in: *Telos* no. 93 (Fall 1992).

<sup>282</sup> Ulmen, G.L. *Anthropological Theology/Theological Anthropology: Reply to Palaver*, pp. 69-80 in: *Telos* no. 93 (Fall 1992). See also: Ulmen, G.L. and Piccone, Paul *The Uses and Abuses of Carl Schmitt*, pp. 3-32 in: *Telos* no. 122 (Winter 2002).

thought, that is, the field in which his thought should be read. A brief reflection upon the nature of Schmitt's thought is helpful for understanding a significant motivating factor in this study's reading of Schmitt and the way in which it wants to approach the juristic.

The perception of Schmitt as a first and foremost legal thinker is well supported by his academic biography: inaugural dissertation *On Guilt and Types of Guilt*: 1910; state exam in law: 1915; second dissertation *The Value of the State and the Meaning of the Individual*: 1914; followed by professorships at various universities (Bonn; Berlin; Cologne; Berlin) as Professor for Public Law<sup>283</sup>. But even more than in terms of a mere job, Schmitt identified himself as a jurist by profession, vocation, *Beruf*<sup>284</sup>. As Schmitt put it, he “only ever spoke and wrote as a jurist and, therefore, only ever to and for jurists”<sup>285</sup>. Elsewhere he makes clear that he is a “jurist and not a theologian”<sup>286</sup>. Given that they come from his post-National-Socialist writings and that Schmitt had been charged with the intellectual preparation of the way for National Socialism, the deeply self-apologetic character of these quotations should be noted; with his self-described ‘purely’ juristic intention it might seem that Schmitt wants to distance himself from the political implications or intentions of his work up to 1933, an emphasis which early post-war interpreters such as Hofmann also followed<sup>287</sup>. Yet, when, in the essay *The State of European Jurisprudence*, Schmitt writes that “we [jurists] cannot choose the changing rule and regime according to our tastes”<sup>288</sup>, there is a strong sense in which we are dealing with an apology and a clarification of Schmitt’s political activity which we must decide whether we want to accept and which, taken in its literal meaning – i.e. true jurists and jurisprudence can serve any given regime – is quite hard if not impossible to accept, not only in its own right, but because Schmitt is also clearly not interested in construing law as nothing more than a mere tool of the powerful. At the same time, precisely in this last statement we are given what I hope to show is a tremendous clue to Schmitt’s thought as a whole, namely, to his understanding of the category of ‘the juristic’.

The importance of keeping Schmitt within the borders of a juridico-political thought

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<sup>283</sup> Schmitt, Carl. *Über Schuld und Schuldarten: Eine terminologische Untersuchungen*, Breslau: Schletter 1910; Schmitt, Carl. *Der Wert des Staates und die Bedeutung des Einzelnen*.

<sup>284</sup> Cf. Böckenförde, E.-W. *Vom Ethos der Juristen*, Berlin: Duncker & Humblot 2010, who writes of a “profession of jurists [...] which exceeds he status of a mere job”, p. 5.

<sup>285</sup> Schmitt, Carl. *Glossarium*, 23.9.47.

<sup>286</sup> Schmitt, Carl. *ECS*, p. 89.

<sup>287</sup> Within the field of debate surrounding Schmitt’s involvement in the National Socialist movement, the question of his self-presentation and attempt to dishonorate himself, not only by invoking ‘tragic’ or unfortunate figures such as Hobbes, Donoso Cortés, Benito Cereno, the Christian Epimetheus, but also by describing his writings as ‘purely’ juristic, is one of the most interesting.

<sup>288</sup> Schmitt, Carl. *Die Lage der europäischen Rechtswissenschaft*, Tübingen: Internationaler Universitätsverlag 1950, p. 30: “we cannot choose the changing ruler [*Machthaber*] and regime according to our tastes”.

has been stressed by various scholars<sup>289</sup>. As Carlo Galli writes: “Schmitt is not a professional philosopher; one can grasp the logical structures of his thought only by interrogating it for that which it is, that is, primarily the juristic thought of a specialist”<sup>290</sup>. Similarly it was written in a review of Michael Marder's *Groundless Existence*: “It is undoubtedly innovative to turn Schmitt into a postfoundationalist, non-objectivist and existential-phenomenological theorist whose work ungrounds our understanding of political existence. But doing so means, on several levels, transposing Schmitt's thought beyond recognition”<sup>291</sup>. Indeed, the strongest criticisms of an over philosophization of Schmitt's thought all specify the field in terms of which Schmitt's thought should be understood as that of law. Without intending to determine the 'nature' of Schmitt's thought, this study seeks to in some way respond to this ambivalently 'juristic' nature of Schmitt's thought, namely, by reading his anthropological thought through the lens not so much of jurisprudence as that of the juristic, and vice versa.

In the same way that Schmitt sought the specific character of the political rather than a definition of politics as a formal field of activity, comprehensible in terms of its formal procedure, and in the same way as this study seeks to uncover a concept of the human rather than a definition of the human being, so too we are trying to describe a concept of juristic thought rather than the discipline of jurisprudence itself. The way in which this study interacts with and identifies the juristic as a central category in Schmitt's thought is, without disputing the correctness and necessity of grasping Schmitt as a concretely legal thinker, still not therefore that of Neumann, Ulmen or Croce and Salvatore, for whom law is a discipline or field. Instead, this study seeks to assert the importance of the juristic (*das Juristische*), that particular quality which, according to Schmitt lends to jurisprudence its indispensable nature and to true jurists the legitimacy to claim that they “fulfill a task of which no other kind of human activity can relieve us” and to understand why Schmitt describes this roll as the preservation of the “healthy human understanding”<sup>292</sup>. In short I wish to acknowledge the supremely important role of the juristic (more than the legal per se) in order to reveal a cipher for what we have been discussing as the concept of a particularly human rationality.

It is characteristic of his antagonism towards Hans Kelsen that Schmitt never developed anything like a systematic theory of law, comparable to Kelsen's *Reine Rechtslehre*.

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<sup>289</sup> In addition to those cited or worked with explicitly in this study the ‘lack’ of serious legal analysis of Schmitt’s thought has been addressed by Volker Neumann in a recent work entitled *Carl Schmitt als Jurist*, Tübingen: Mohr Siebeck 2015.

<sup>290</sup> Galli, Carlo. *Genealogia*, p. XVIII

<sup>291</sup> Rensmann, Lars. Review of Michael Marder’s *Groundless Existence: The Political Ontology of Carl Schmitt* in Notre Dame Philosophical Reviews: an electronic journal. URL: <https://ndpr.nd.edu/news/29069-groundless-existence-the-political-ontology-of-carl-schmitt/>. Accessed on: August 9<sup>th</sup>, 2015.

<sup>292</sup> Schmitt, Carl. *Die Lage der europäischen Rechtswissenschaft*, p. 30.



His works of legal scholarship, necessarily in dialogue with the larger questions of the philosophy of law, nonetheless remain specific in nature. Despite this specificity it is, however, also absolutely clear that Schmitt was heavily invested in a rethinking of law itself and that this rethinking of law exceeds the confines of an objective, politically oriented concept of law. In his later writings Schmitt devoted considerable energy to exploring the origin of law and developed a theory of *Nomos*, arguing that the origin of law lay neither in a *Grundnorm* nor even in a mere decision or sovereign, but in a primordial act of land-taking<sup>293</sup>. Yet, more than in any theory of law or its origin<sup>294</sup>, we want to emphasize what Schmitt called juristic thought.

### 1.2.1.1 Juristic thought and human rationality

Schmitt makes the relationship between the juristic and human rationality apparent in *Roman Catholicism* when he clearly places the juristic in close theoretical proximity to 'representative thought' and therefore to the harmonious human rationality of the Catholic Church. "Political and juridical forms are equally immaterial and irritating to the consistency of economic thought"<sup>295</sup>, for which reason he goes on to say that "Of interest here is that the tendency of the economic to perpetuate civil law means in effect a limitation of juridical form"<sup>296</sup>. The juristic, like the political, is "public" (*publizistisch*), oriented towards externalization and stands in opposition to the economic<sup>297</sup>. The public nature of the church "belongs to its representative character and allows the religious to be conceived to such a juridical degree"<sup>298</sup>. Schmitt makes clear the centrality which a concept of the juristic possesses in his understanding of the Catholic Church and therefore in his understanding of representative thought when he writes that: "The permeation with juridical elements goes, indeed, very deep and much of the seemingly contradictory political behavior of Catholicism, so often used as reproach, finds its explanation in its particular, formal juridical character"<sup>299</sup>.

Schmitt then describes the relationship between jurisprudence and the political rationality of the Church in terms of their similarly formal natures: "In the social world, secular jurisprudence also manifests a certain *complexio* of competing interests and tendencies", "a curious mixture of traditional conservatism and revolutionary resistance in

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<sup>293</sup> Cf. Ch. 3.4.

<sup>294</sup> For an English language summary of Schmitt's *Nomos*-theory see: Ojakangas, Mika. *The Sacred Origins of Law*.

<sup>295</sup> Schmitt, Carl. *RC*, p. 27; *RK*, p. 46: modified – N.H..

<sup>296</sup> Schmitt, Carl. *RC*, p. 28.

<sup>297</sup> Schmitt, Carl. *RC*, p. 29.

<sup>298</sup> Schmitt, Carl. *RC*, p. 29; *RK*, p. 49: modified – N.H..

<sup>299</sup> Schmitt, Carl. *RC*, p. 29; *RK*, p. 49: modified – N.H.. Cf. Schmitt, Carl. *Politische Theologie II*, p. 100.

line with natural law”<sup>300</sup>. Schmitt sees jurisprudence as capable of containing a *complexio oppositorum* similar to that of the church because both possess a “formal superiority” which allows for a posture similar to Catholicism with respect to alternating political forms in that it can positively align itself with various and sundry power complexes”. Just, that is, as Catholicism is aware of the 'hierarchy of values' and therefore capable of both compromise and resistance, products of its capacity for differentiating between dispensable and indispensable positions, so jurisprudence exists “provided only that there is a sufficient minimum of form [*Mindestmaß von Form*], that ‘an order is established’”<sup>301</sup>. The flexibility of jurisprudence’s sole requirement of a “sufficient minimum of form” and the establishment of an order finds its analogous construct in Schmitt’s decisionism in the formalistic nature of the decision which must first and foremost exist in order that an(y) order is established before it can be interrogated for the contents of this order. Its importance for Schmitt’s *complexio oppositorum* lies therein that the reduction of this principle of form to a mere “sufficient minimum” makes possible the accommodation of various forms of life.

This will to differentiation and organization means that juristic thought is fundamentally characterized by the exigencies of a worldly existence. It is always, that is, in contact with and confronted by the concrete, contingent instance in which it finds itself. The “specific character [*Eigenart*] of the legal form” is, as we see in the following passage, the attempt to realize an idea, the bringing forth, but in bringing forth also shaping and forming of an otherwise transcendent idea, in short, an act of “concretization” (*Konkretisierung*)<sup>302</sup>:

The juridical form is dominated by the juridical idea and the necessity of applying juridical thought to a concrete state of affairs, that is, by the realization of the law in the broadest sense. Because the juridical idea does not realize itself it needs a particular composition and formation in order to be implemented in reality [...]. This must be presupposed in a discussion of the juridical forms particular character<sup>303</sup>.

It is in this sense that “the work in such [juristic] fields is publicistic [*publizistisch*] in the strongest sense of the word [...] Consequently it is subjected directly to the danger of the political”<sup>304</sup>, that is, oriented towards externalization, confronted with the application of an ideal to a concrete state of affairs and, in this sense, a question of practical philosophy<sup>305</sup>.

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<sup>300</sup> Schmitt, Carl. *RC*, p. 29.

<sup>301</sup> Schmitt, Carl. *RC*, pp. 29-30.

<sup>302</sup> Engisch, Karl. *Die Idee der Konkretisierung in Recht und Rechtswissenschaft unserer Zeit* (1953), 2<sup>nd</sup> edition Heidelberg: C. Winter 1968.

<sup>303</sup> Schmitt, Carl. *PT*, p. 35.

<sup>304</sup> Schmitt, Carl. *ECS*, p. 55.

<sup>305</sup> Cf. Hugo Eduardo Herrera's *Carl Schmitt als politischer Philosoph*; Colliot-Thélène, Catherine. *Carl Schmitt*

Constantly faced with the question of concrete application, jurisprudence is forced to draw differentiations which do not fully correspond with the idea of law, which “never becomes reality in its purity”<sup>306</sup>. This is also why jurisprudence and representative thought stand in such close relationship to one another. Because the *Rechtsidee* can never be completely realized jurisprudence must possess that capacity of representative thought, the ability to accept only partial correspondence, in this case, between the idea of law and the realization. This act of *Rechtsverwirklichung* is therefore a problem of representation; not only, however, because it concerns the ability to perceive gradients, but because its fundamental concern is how to make “the invisible visible”.

Though jurisprudence may remain a strictly defined discipline, Schmitt is also deeply interested in developing an understanding of 'the juristic' or 'juristic thought' as a kind of cipher for an entire view of the world. Thus, the juristic nature of the church is a concept in which Schmitt means to capture more than just a specific field of human activity. Instead Schmitt suggests that there is something like a juristic mode of thought, a form of thought and way of approaching the world and 'kind' (*Art*) of 'thought'. The juristic is a dogmatic world view in which “the fanatical excesses of an unbridled prophetism” are formed and constrained and yet, at the same time, human in a way inaccessible to modern bureaucracy<sup>307</sup>. Catholic rationality “resides in the institutional and is essentially juridical”<sup>308</sup> because it lies in the capacity to apply “gradations”, in which lies not only the Church’s “rational power of creation”, but its “humanity”.

Juristic thought is characterized by its capacity to draw lines, to define concepts and to account for the complex structure of things in a concrete manner, neither in an aphoristic free-spiritedness nor in systematic sterility. The concept of juristic thought is the “healthy human understanding”, a highly rational and yet not rationalistic form of perceiving the world. As we will see, this concept of the juristic is explicated under the title “concrete order thought” in Schmitt's 1933 work *On the Three Types of Legal Thought*. Nonetheless a reading of juristic thought cannot be completely reduced to the attempt at institutional mediation which Schmitt undertakes with “concrete order thought”.

Central to this category of “juristic thought” is, as we have begun to note, a theory of healthy human rationality. The Catholic Church, “the true heir of Roman jurisprudence”<sup>309</sup> is

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versus Max Weber, pp. 151f, as well as Pietro de Vitiis' *Teologia Politica come Problema Ermeneutico*, Brescia: Morcelliana 2013.

<sup>306</sup> Schmitt, Carl. *PT*, p. 36.

<sup>307</sup> Schmitt, Carl. *RC*, p. 14.

<sup>308</sup> Schmitt, Carl. *RC*, p. 14; *RK*, p. 23: modified – N.H..

<sup>309</sup> Schmitt, Carl. *RC*, p. 18.

that institution in which rationality and humanity are no longer opposed but rather find their meeting point in the capacity to allow for “gradations”<sup>310</sup>. But the term “gradations” has a double purpose in Schmitt’s argument. On the one hand it is meant as a critique of universalization and generalization while, on the other hand, it is meant to characterize a thought beyond mere dualisms which, though they certainly differentiate, fail to grasp the idea of gradations as a grey zone between the black and white. Juristic thought is, in its humanity, the cipher for a mode of thought capable of grasping these gradations of the grey and thus jurisprudence, for Schmitt, not an empirical, natural science, not technicity, but a, to speak with Michael Hebeisen, humanity (*Geisteswissenschaft*)<sup>311</sup>. Or, conversely, as Schmitt himself put it in a letter to Jacob Taubes: all humanities become, for Schmitt, fundamentally jurisprudence<sup>312</sup>. In short, what Schmitt sought to express with his identification of jurisprudence and the humanities is that, in contrast to natural sciences, humanities rely upon judgment (*Urteil*) and the capacity for judgment (*Urteilkraft*) is always a matter of drawing lines. Etymologically the core of Schmitt’s concept of juristic thought can be seen therein that the German term *Ur-teil* meaning judgment or, in a legal sense, verdict, is inseparable from the idea of division which it carries in its stem, *teil*, meaning “part”, an etymology which calls to mind the nature of the decision as *Ent-scheidung*, as an act of separation (*Scheidung*)<sup>313</sup>. This act of judgment and distinction, in which lies the “rational power of creation” of the Catholic Church, is tied to the human because it occurs only in a grey zone in which a ‘common sense’ or “healthy human understanding” is called upon to fill in where objective norms are lacking. The exceedingly human character of jurisprudence cannot be let out of sight. Indeed, it appears to be, in an abstract sense, the central argument of *Political Theology*. Thus, in the second chapter Schmitt pours all his energy into arguing against an understanding of law oriented towards nothing but the self-regulating system ruled by “technicity”<sup>314</sup>. This attempt to counter the technicalization of law leads Schmitt to the, for an anthropological

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<sup>310</sup> Schmitt, Carl. *RC*, p. 8.

<sup>311</sup> Hebeisen, Michael Walter. *Recht und Staat als Objektivationen des Geistes in der Geschichte*, Biel: Schweizer Wissenschafts- und Universitätsverlag 2004.

<sup>312</sup> *Jacob Taubes - Carl Schmitt: Briefwechsel mit Materialien*, ed. Herbert Kopp-Oberstebrink, Thorsten Palzhoff and Martin Tremel. München: Fink 2012, p. 41 (1<sup>st</sup> draft of a letter from Schmitt to Taubes dated 26./27.11.1977): “I am, in my essence as well as my existence, good or bad, a jurist, professional jurist. All human-science becomes for me legal-science”. I provide the German original because of a modification in the word “bad” (*schlecht*) made by the editors of the correspondence and signalled by the brackets: “*Ich bin, in meiner Essenz wie in meiner Existenz, gut oder sch[lecht], Jurist, Berufsjurist. Alle Human-Wissenschaft wird mir zur Rechts-Wissenschaft*”.

<sup>313</sup> Volker Neumann is “convinced that Schmitt studied Kant’s third critique [*Kritik der Urteilkraft*] intensively”, *Complexio Oppositorum*, p. 261.

<sup>314</sup> Cf. Colliot-Thélène, Catherine. *Carl Schmitt versus Max Weber*, p. 144: “in bringing to light the theological sources of modern political thought, even in the work of its least religious representatives (Weber), he intends to free juridical theory from the influence exerted upon it by ‘naturalist’ scientificity, which today is hegemonic”.

study, important insight that, “the most diverse theories of the concept of sovereignty – Krabbe, Preuß, Kelsen – demand such an objectivity and all agree that everything personalist must be excluded from the concept of the state”<sup>315</sup>. Though we will not enter into a discussion about Schmitt's understanding of personalism, we want to note that Schmitt is heavily invested in the **personalist** nature of law, that is in preserving that “moment which can be derived neither from the contents of the idea of law nor, when applying whatever general positive legal norm, from the contents of the norm”<sup>316</sup>. Schmitt's negatively formulated argument that law cannot be reduced to a system is, formulated positively, the argument that law is fundamentally dependent upon the presence and activity of human beings “because a juristic conclusion is not completely deducible from its premises”<sup>317</sup>. The impossibility of exterminating the decision from a concept of law is the impossibility of exterminating the human from law.

Thus the antagonism between Schmitt's vision of jurisprudence and the natural sciences is made clear when he writes of Hobbes's juristic thought that “He frequently appears capable of construing the unity of the state from any randomly given point. Yet, in Hobbes' time, juristic thought had not yet been so dominated by the natural scientific mode of thought that he could have, even at his scientificity's level of intensity, blindly disregarded the specific reality of legal life which resides in the legal form”<sup>318</sup>. Schmitt repeats this opposition in the third chapter of *Political Theology* when he plainly writes of Donoso Cortés that “All of his perceptions, all of his arguments, are so down to the very last atom juristic that he stood before the mathematical natural-scientificity of the 19th century with the same lack of comprehension as this natural-scientificity stood before decisionism and the specific coherence of that juristic thought which culminates in a personal decision”<sup>319</sup>.

This study proceeds from the belief that Schmitt perceives jurisprudence as a *Geisteswissenschaft* and not a *Naturwissenschaft*, to then argue that Schmitt's concept of jurisprudence as *Geisteswissenschaft* can also be turned around in order to suggest that Schmitt's concept of a *Geisteswissenschaft* and thus of the human is incarnate in Schmitt's concept of jurisprudence. To say that Schmitt's concept of the human is fundamentally juristic is not to assert that the human being is only ever a legal subject or legal person, but to assert that Schmitt conceived of the human in the image of his own particular understanding of jurisprudence: organic and organized yet neither systematized nor chaotic, secularized

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<sup>315</sup> Schmitt, Carl. *PT*, p. 36.

<sup>316</sup> Schmitt, Carl. *PT*, p. 36.

<sup>317</sup> Schmitt, Carl. *PT*, p. 36.

<sup>318</sup> Schmitt, Carl. *PT*, p. 40.

<sup>319</sup> Schmitt, Carl. *PT*, p. 55.

between the theological and the profane, delineated yet not geometric.

### Excursus: jurisprudence and romanness

The particular interest of this study in the relationship between the juristic and the human lies therein that it presents us with an image of the human to which negative or pessimistic anthropologies remain in large part blinded. Thus far we have approached the concept of the human from the context of Schmitt's reflections on the Catholic Church. As, however, Richard Faber has emphasized<sup>320</sup>, it is important when discussing Schmitt's Catholicism to understand that Schmitt was not merely Catholic, but Roman Catholic and that here the dimension of Romanness carries connotations without which Schmitt's concept of the human cannot be fully understood. The centrality of Rome as a, while not fully separable, nonetheless independent dimension of Schmitt's Roman Catholicism is at least suggested when one considers that, just as Schmitt once claimed to be a "Catholic not only by confession, but also by historical provenance, if I may say so, by race"<sup>321</sup>, so, at least according to Ernst Niekisch, Schmitt also once said to be "a Roman according to tradition, provenance and law"<sup>322</sup>. For these reasons it is advisable that we take a brief, preliminary, look at its appearance in *Roman Catholicism*.

For Schmitt the Roman Empire represented an "antique", "classic" state<sup>323</sup>, adjectives which are more than historical or art-historical in meaning, but which make possible grand (*große*) politics. Schmitt's vision of Rome need not and probably should not be taken as any kind of historical-critical argument. It is an expression of a widespread fixation with Rome, the vision of something which can be held up in opposition to horror of the modern factory and it is a myth in which lies the "foundation of a new authority, a new feeling for order, discipline and hierarchy"<sup>324</sup>. It participates in the thought of rejuvenation present also, for instance, in Julius Langbehn's immensely popular and anti-semitic work *Rembrandt als*

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<sup>320</sup> Faber, Richard. *Lateinischer Faschismus: Über Carl Schmitt den Römer und Katholiken*, Berlin: Philo 2001. See: Breuer, Stefan. *Anatomie der konservativen Revolution*, sub-ch. "Italia docet" Darmstadt: Wissenschaftliche Buchgesellschaft 2005. For the particular importance of Rome symbolism in European history see: Richard Faber's dissertation, written under the supervision of Jacob Taubes, *Die Verkündigung Virgils. Reich – Kirche – Staat. Zur Kritik der „politischen Theologie“*, Hildesheim: Olms 1975.

<sup>321</sup> Schmitt, Carl. *Glossarium*, p. 131.

<sup>322</sup> Niekisch, Ernst. *Über Carl Schmitt*, pp. 8-9 in: *Augenblick 4* (1956), p. 8: "Ich bin Römer nach Herkunft, Tradition und Recht". An alternative formulation provided by Niekisch – which strongly suggests a literary stylization of Schmitt's self-description on the part of Niekisch – can be found in Niekisch's book *Das Reich der niederen Dämonen*, Berlin: Rütten & Loening 1957, p. 331, where one reads that Schmitt was a "Roman by language, provenance and law".

<sup>323</sup> For Schmitt's employment of "klassisch" in its particular conceptual meaning see: *BdP*, p. 11. See also: Balke, Friedrich. *Der Staat nach seinem Ende. Die Versuchung Carl Schmitts*, München: Fink 1996, in which Balke, drawing upon Derrida, argues for a reading of Schmitt's thought as conceptual attempt to restore the classic, an attempt which is itself deeply Romantic.

<sup>324</sup> Schmitt, Carl. *Parlamentarismus*, p. 89.

*Erzieher*<sup>325</sup>. Calling upon the myth of the *translatio imperii*, Schmitt writes in *Roman Catholicism*:

From all sides there is a remarkable consensus that the Roman Catholic Church as an historical complex and administrative apparatus has perpetuated the universalism of the Roman Empire. French nationalisms like Charles Maurras, German racial theorists like H. Stewardt Chamberlain, German professors of liberal provenance like Max Weber, a Pan-Slavic poet and seer like Dostoyevsky – all base their interpretations on this continuity of the Catholic Church and the Roman Empire<sup>326</sup>.

Indeed, there is a sense in which the legitimacy of the Church as a political entity lies less in its mere claim to a transcendentally divine truth and more in its status as successor to the Roman Empire, in its status as a “world-historical form of power”<sup>327</sup>.

Without needing to enter into the debate surrounding the immanent or transcendent nature of Schmitt’s thought<sup>328</sup>, here we want only to make clear the presence of this deep connection between the catholically motified concept of the human and the importance of the Roman Empire as an image of historical meaning. Moreover, this fixation with Rome should also be seen in terms of the special position which Italy as a whole held, not only in Germany but in much of Europe, and in particular in England, as the “*modèle Italien*”<sup>329</sup>. In the course of the 18<sup>th</sup> and 19<sup>th</sup> century, artistic colonies of German and English provenance began to appear, above all in Rome, English Romantic poets such as Keats and Shelley found their final resting places there and the tradition of an *Italienische Reise*, as a kind of coming of age, solidified its importance for the German *Bürgertum*, representatively visible in *Effi Briest*<sup>330</sup>.

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<sup>325</sup> Langbehn, Julius. *Rembrandt als Erzieher* (1890), Weimar: Duncker 1944. Published under the pseudonym name “From a German” (*Von einem Deutschen*).

<sup>326</sup> Schmitt, Carl. *RC*, p. 5.

<sup>327</sup> Schmitt, Carl. *RC*, p. 21.

<sup>328</sup> Schmitt’s relationship to the Church and his status as a Catholic thinker has been the subject of much debate, both during Schmitt’s life time and in contemporary scholarship. See: *Die eigentlich katholische Verschärfung...: Konfession, Theologie und Politik im Werk Carl Schmitts*, München: Fink 1994, ed. Bernd Wacker and in particular the introductory essay by Wacker on Schmitt’s reception by other Catholic thinkers and media in the Weimar Republic; Dahlheimer, Manfred. *Carl Schmitt und der deutsche Katholizismus 1888-1936*, Paderborn: Ferdinand Schöningh 1998. E.W. Böckenförde has, on the basis of private visits at Schmitt’s home, described Schmitt’s Catholicism in the very specific terms of a “typical Sauerland piety” (*Complexio Oppositorum*, p. 155). See, regarding the question of the transcendent/immanent opposition in Schmitt’s thought, in particular: Maschke, Günter. *La Rappresentazione Cattolica*, p. 563.

<sup>329</sup> Braudel, Fernand. *Le modèle italien*, Paris: Flammarion 1994.

<sup>330</sup> Among the thinkers contemporary with Schmitt for whose research Rome held a special meaning is the German historian Ernst Kantorowicz, author of not only *The King’s Two Bodies: a study in political theology* (Princeton, NJ: Princeton University Press 1957) written in the United States, but also of a biography of the Holy Roman Kaiser *Friedrich der Zweite* (Stuttgart: Klett-Cotta 1980). One of the key elements in this biography is the constant emphasis on Friedrich II’s belief in his reign as a kind of renewal of the Roman Empire. This emphasis is of course not only an emphasis on Friedrich II’s own belief, but an emphasis on Kantorowicz’s part on what might become for a role model for Germany as well. Though Kantorowicz would later revise his estimation of this work and offers an implicit critique of Schmitt’s thought in his second major

That Schmitt's view of the Catholic Church as a complex of harmonious mediation is not merely part of Schmitt's personal Rome fixation, but a part of the general perception of Rome as part of Italy can be seen in a description of Goethe's with strong parallels to Schmitt's Protestantism-Catholicism divide:

You asked in your last letter about the color of this region's landscape [...] The most beautiful thing about it is that the lively colors are made more mild by the tone of the air even at a close distance and that the oppositions of cold and warm colors (as one calls them) are so visibly there. It is a shine and at the same time a harmony, a general gradation of which one has no clue in the north. Where you are everything is either hard or clouded, colourful or monotone<sup>331</sup>.

## 1.2.2. Concrete order thought: the problem of occasional rationality

### 1.2.2.1. Concrete order thought as a theory of social normativity

Having seen how Schmitt develops his idea of the human in a discourse on Catholicism and how, emphasizing the juristic nature of the Church, he ties this concept of the human to a concept of juristic thought, we now want to pursue a particular theory within the field of juristic thought, namely that of concrete order thought, revealing the way in which it draws upon and further elucidates Schmitt's concept of the human. Concrete order thought is mentioned explicitly, though not by name, for the first time in the foreword to the second

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work, *The King's Two Bodies*, the fact that Kantorowicz's biography, published only a few years after Schmitt's *Roman Catholicism*, participates in many of the same dialogues as Schmitt's own thought should allow us to consider Schmitt's thought in this work as anything but an exception.

While it may be true that Kantorowicz's *The King's Two Bodies* enjoys greater fame, it seems to me that a large portion of, in particular, English speaking literature has forgotten Kantorowicz's work on Friedrich II. The isolation of *The King's Two Bodies* lends itself to an unproblematic view of Kantorowicz as an opponent of fascist Germany and a 'clean' alternative to Schmitt's political theology (Both: Kahn, Victoria. *Political Theology and Fiction in The King's Two Bodies*, pp. 77-101; Halpern, Richard. *The King's Two Buckets: Kantorowicz, Richard II, and Fiscal Trauerspiel*, pp. 67-74 in *Representations*, Vol. 106, No. 1 (Spring 2009)) without accounting for the fact that Kantorowicz participated in the circle surrounding the poet Stefan George, volunteered for service in the First World War and is counted by Armin Mohler as part of the Conservative Revolution. Of further interest in the context of a discussion of Schmitt, the thinker not only of the exception but therefore also of the *Notstand* (cf. *Dictatorship*) is Kantorowicz's extended interaction with the idea of *necessitas* (cf. Schmitt, Carl. *Legalität und Legitimität* (1932), Berlin: Duncker & Humblot 1980, pp. 71-73) as the grounds upon which Friedrich II justified his at times seemingly drastic measures. Kantorowicz writes of a new, enlightened state for which the *justitia* "did not only stream forth as the living power of God which poured itself over the state, but was rather moved by another force and changed according to the daily changing *necessity* of the state" (Kantorowicz, Ernst. *Friedrich II.*, p. 223ff.).

<sup>331</sup> Goethe, J. W. von. Letter to Charlotte von Stein dated November 24<sup>th</sup> 1787 in: Goethe, J.W. von, *Italienische Reise – Sonderausgabe*, ed. Herbert von Einem, München: Beck 1981, pp. 433-434. The importance of Italy in the eyes of the rest of Europe is a question not only of historical significance, but of contemporary interest. Not only has the strong presence of a north-south polarity and all its accompanying appearances been revealed in its philosophical centrality by Jacques Derrida in *Of Grammatology* (French original *De la Grammatologie*: 1967; engl. trans. Gayatri Chakravorty Spivak, Baltimore and London: Johns Hopkins University Press 1997, p. 216 f.), the Anglo-Saxon-Protestant/Romance-Catholic divide is a reoccurring political topic, whether in Nicolas Sarkozy's suggestion of a "Mediterranean Alliance" or in Giorgio Agamben's recent essay *Se un impero latino prendesse forma nel cuore d'Europa*.



edition of *Political Theology*, where Schmitt writes that he would “no longer distinguish two, but rather three types of juristic thought”<sup>332</sup>. This third kind of legal thought, indebted to his study of Maurice Hauriou’s work and what Schmitt here refers to only as an “institutional” form of legal thought, is the subject of his 1934 work *On the Three Types of Legal Thought*<sup>333</sup>.

As we have seen, and as Schmitt himself suggests in the foreword to the second edition of *Political Theology* (1932), his concept of decisionism is hardly without its problems. Chief among these, and the subject of Löwith's critique, is the fact that Schmitt's decisionism turns into a kind of existentialist anarchy without any basis in reality. The recovery of law's foundation in something more concrete than the, if need be, arbitrary decision of the sovereign, is the goal of “concrete order thought”. As Mariano Croce and Andreas Salvatore have shown in *The Legal Theory of Carl Schmitt*, concrete order thought is the culmination of a development in Schmitt's thought, the “embryonic” roots of which are “roughly sketched in *Roman Catholicism and Political Form*”<sup>334</sup>. In their work, Croce and Salvatore trace a rise of institutionalism's importance for Schmitt which begins with *Constitutional Theory* in which “Schmitt partially abandons his decisionist approach and adopts a 'bottom-up perspective' that is certainly more sensitive to the social source of law”<sup>335</sup>, through *Rights of Freedom and Institutional Guarantees of the Imperial Constitution*<sup>336</sup>, where Schmitt argues that “The basic rights of liberty, that is, the state-free sphere, are surrounded by juridical institutes, typical regulations and state institutions too”<sup>337</sup>, as well as *Basic Rights and Basic Obligations*<sup>338</sup>, where Schmitt writes of “constitutional guarantees of juridical institutions, conceived of as a set of typically and traditionally established norms and juridical relationships”<sup>339</sup>. The culmination of this development is Schmitt's arrival at his statement in the second edition of *Political Theology*, his explicit acknowledgment of a third kind of legal thought in 1933.

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<sup>332</sup> Schmitt, Carl. *PT*, p. 8.

<sup>333</sup> Schmitt, Carl. *Über die drei Arten des rechtswissenschaftlichen Denkens* (henceforth: *DARd*), 2<sup>nd</sup> unaltered edition (1934) Berlin: Duncker & Humblot 1993

<sup>334</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 25.

<sup>335</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 26.

<sup>336</sup> Schmitt, Carl. *Freiheitsrechte und institutionelle Garantien der Reichsverfassung* (1931), pp. 140-173 in: *Verfassungsrechtliche Aufsätze aus den Jahren 1924-1954: Materialien zu einer Verfassungslehre* (henceforth: *VA*), 3<sup>rd</sup> edition, unchanged reprint of the 1958 1<sup>st</sup> edition, Berlin: Duncker & Humblot 1985.

<sup>337</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 26.

<sup>338</sup> Schmitt, Carl. *Grundrechte und Grundpflichten* (1932), pp. 181-231 in: *VA*.

<sup>339</sup> A similar reorientation of Schmitt scholarship's selection of primary texts has been undertaken by Klaus Roth in his attempt to counter critics of Schmitt who argue that a direct line of thought can be traced from *Parlamentarismus* (1923; 1926) to *Der Hüter der Verfassung* (1929; 1931) to *Legalität und Legitimität* (1932) and finally to *Der Führer Schützt das Recht* (1934). Instead, Roth suggests that an increased focus on *Verfassungslehre* can provide us with the possibility understanding how Schmitt actually attempted to stabilize the pre-1933 political situation. Roth, Klaus. *Carl Schmitt – ein Verfassungsfreund? Seine Stellung zur Weimarer Republik in der Phase der relativen Stabilisierung (1924-29)*, pp. 141-156 in: *Zeitschrift für Politik. Organ der Hochschule für Politik*, vol. 52 (2005).

Schmitt's apparently increased attention to the “social source of law” is what Croce and Salvatore see as the main articulation of “concrete order thought.” They argue that Schmitt's “concrete order thought” is the basic attempt on Schmitt's part to find some kind of grounding for his notion of law and to do so neither in a norm (normativism) nor in a notion of existential authenticity (decisionism), but rather in “social reality”. In short, law is not created merely by authority, as is expressed in the formulation *autoritas non veritas facit legem*, but by a norm derived from this social reality which is, in turn, a different kind of norm than the one proposed by Kelsen and the normativists. The shift in Schmitt's thought which concrete order thought represents, and the reason for which he introduced it in the second edition of *Political Theology* as “institutional thought”, lies in his argument that this social reality does not take on form in the decision or in normative rules, but rather in social institutions<sup>340</sup>. This means that Schmitt can both move beyond decisionism, while continuing to reject Kelsen's normativism<sup>341</sup>.

In this way they are capable of arguing that Schmitt's critique of normativity is not so much a critique of normativism as such, but a critique of a particular understanding of normativity. At the risk of transforming Schmitt into a theoretician not of the exception, but of the norm, Croce and Salvatore argue that increased attention to Schmitt's concrete order thought reveals the importance of asking what kind of normativity Schmitt is looking for and why it is different than Kelsen's. “According to Schmitt, this [normativist] understanding of the relation between normativity and social reality is gravely mistaken. [...] Reality, in Schmitt's view, is not mere facticity. It is the *domain of normality*”<sup>342</sup>. This results in an argumentation which Croce and Salvatore choose to explicate by means of Wittgenstein's

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<sup>340</sup> It is important to note that, as Günter Meuter writes, the social institutions which Schmitt intends with his theory are not those “conformist-bourgeois” institutions of liberal parliamentary democracy but “anti-bourgeois-expressionistic” institutions which spring out of “a will to form and breeding [*Zucht*]” (Meuter, Günter. *Der Katechon: Zu Carl Schmitts fundamentalistischer Kritik der Zeit*, Berlin: Duncker & Humblot 1994, pp. 416-421) and which contain a deeply mystical element.

<sup>341</sup> Revealing the importance of law's social grounding for Schmitt's thought has an effect which seems to me largely ignored in Schmitt scholarship, namely, that of bringing to light a further point of contact between the ostensible enemies Schmitt and Habermas. A strange proximity of the two thinkers becomes visible as soon as one considers the importance of a social grounding of law which occupies Habermas' thought extensively in *Theory of Communicative Action (Tkh Band 2*, p. 539; 541; 547) as well as *Facticity and Norm (Faktizität und Geltung*, Frankfurt a.M.: Suhrkamp 1998, p. 89). Both exhibit a certain polemic against attempts to conceive of law in a theoretical vacuum, that is, to a certain degree, against legal positivism, whether manifest in Schmitt's critique of Kelsen or Habermas' critique of Rawls. A more detailed analysis of the anti-positivistic tendencies of both thinkers would have to consider further the difference between formal and sociological positivism; see thereto: Maus, Ingeborg. *Bürgerliche Rechtstheorie*, pp. 47-52. Regarding the relationship between Schmitt and Habermas beyond the discussion of their theories of law, see also: Becker, Hartmuth. *Die Parlamentarismus Kritik bei Carl Schmitt und Jürgen Habermas* (Berlin: Duncker & Humblot 1994) as well as Kennedy, Ellen. *Carl Schmitt und die Frankfurter Schule. Deutsche Liberalismuskritik im 20. Jahrhundert*, trans. Angela Adams, pp. 380-419 in: *Geschichte und Gesellschaft* 12. Jahrg., H.3, Wissenschaft und Nationalsozialismus (1986).

<sup>342</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 36.

famous argument that “the meaning of a word does not consist in something that can be ostensibly indicated in reality,” something, that is, which can be turned into a stable and normativist ‘fact’<sup>343</sup>. Instead they argue that Schmitt sees norms as “frequently recurring patterns of conduct, which come to characterize the contexts in which they are practiced”<sup>344</sup>. “By adopting this novel approach, Schmitt becomes aware that no rule-making process and thus no legal science can neglect or abstract from social life and the widespread practices that comprise it”<sup>345</sup>. This does not mean that Croce and Salvatore deny the importance of the state of exception. As they write early in their work, “Exception is in point of fact a fundamental insofar as it is a foundational concept, in that it provides the self-sufficient criterion that allows to identify and mark the borders of the legal field, beyond, and regardless of, every existing legal system”<sup>346</sup>. Yet, precisely “in order to elucidate further our thesis about the conceptual relevance of the state of exception, it is necessary to redirect our attention to something that is generally dismissed”<sup>347</sup>. This generally dismissed something is the norm.

By focusing on the role of the normative in Schmitt's thought, Croce and Salvatore seek to point out that Schmitt is aware of and responds to Löwith accusation of an occasionalistically ungroundable decisionism. The decision and thus “the relationship between social reality and its legal organization cannot be reduced to a mere matter of prescription or imputation”<sup>348</sup>, as is the case in pure decisionism. “The question concerning the grounding basis of law”, and thus of the decision, “turns out to be related to the *social usefulness* of rules”<sup>349</sup>. What Croce and Salvatore show is that Schmitt was well aware of the unjustifiable and groundless nature of his sovereign decision and how, while not eliminating it, he addressed precisely this claim in the development of his concrete order thought.

The importance of Schmitt’s theorization of concrete order thought for a concept of the human lies in two points: firstly, it represents an attempt on Schmitt’s part to find, once more, a mediating rationality capable of bridging a dualistic divide, in this case that of decisionism and normativism. Secondly, it elucidates the human’s relationship to the social as a sphere of human activity, a connection which we will address at the end of this chapter. In both regards we can, therefore, see *On the Three Kinds* as standing in fundamental continuity with *Roman Catholicism*. For indeed, it is no coincidence that, in *Roman Catholicism*, Schmitt emphasizes the Church’s attunement to the societal, writing of the Church’s interest

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<sup>343</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 37.

<sup>344</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 38.

<sup>345</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 29.

<sup>346</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 14.

<sup>347</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 15.

<sup>348</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 29.

<sup>349</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 29.

in “the normative guidance of human social life”<sup>350</sup>. At another point the very nature of the Church as society is emphasized: “It represents the *civitas humana*”. Croce and Salvatore pick up on this social emphasis in *Roman Catholicism*. In doing so, however, they assign to this text the status of a merely embryonic form of concrete order thought, reading *Roman Catholicism* only in its importance for concrete order thought<sup>351</sup>. And certainly, so long as one focuses on Schmitt’s explication of a societal sphere, this may be justified. What I, however, would like to do is to read both texts as part of one articulation. For, while the identification of an emphasis on the social sphere may accord with our general thesis regarding Schmitt’s identification of a sphere of human activity, it seems to me that an overly strong emphasis on *The Three Kinds* as a theory of society’s internal workings simultaneously blends out elements of Schmitt’s political thought which are present in *Roman Catholicism* and which will prove of equal importance for understanding the full dimensions and vision of the sphere of human activity in its cosmic meaning. Before turning to such larger concerns there are, however, multiple questions regarding *On the Three Kinds* and its relationship to the human (rationality) which must be clarified.

#### 1.2.2.2. Problems in *On the Three Kinds of Juristic Thought*

Concrete order thought is a problematic term in Schmitt’s intellectual development and this for two reasons: the first of these is that in *On the Three Kinds* Schmitt develops not only an idea of concrete order thought, but also the foundations for a theory of “racial legitimacy”<sup>352</sup>; secondly, there is the theoretical problem of concrete order thought’s relationship to decisionism, the question of concrete order thought’s capacity to resolve the problems of decisionism.

**Racial Legitimacy.** The fundamental question addressed in *On the Three Kinds* is that of law’s grounding and the need for a source of ‘legitimacy’ in an age devoid of all traditional forms of legitimacy. The problematic nature of Schmitt’s answer to this question begins to make itself visible in his emphasis on the idea of a homogenous social basis, an idea he had already developed eight years earlier in his *Parliamentarism* essay and for which he sees an

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<sup>350</sup> Schmitt, Carl. *RC*, 12.

<sup>351</sup> Kaufmann omits this prefiguration entirely in his overview of the “Forerunners of Concrete Order thought”, see: Kaufmann, Matthias. *Recht ohne Regel*, Freiburg i.B.: Alber 1988, pp. 357-361.

<sup>352</sup> Hasso Hofmann sees the development of this “racial legitimacy” (the title of the fourth chapter in *Legitimität gegen Legalität*) as part of a continuity in Schmitt’s thought which enters as an answer to the constant demand of Schmitt’s thought “for the authoritarian determination of a substantial principle of order which exceeded the status quo, the merely momentary situation” (p. 181); “the formation of a substantial order [racially substantial homogeneity] necessarily took over the place of the decision *ex nihilo*”, (p. 182). See also: Croce/Salvatore. *The Legal Theory of Carl Schmitt*, pp. 151-153.

example in the Turk's "radical resettlement of the Greeks and their ruthless turkification of the nation"<sup>353</sup>. While in his *Parliamentarism* essay Schmitt left rather open the question of this social homogeneity's form, still considering ideas such as virtue capable of providing such a foundation<sup>354</sup>, in *On the Three Kinds*, Schmitt turns his attention to tracing a "German" intellectual tradition from Luther to Hegel<sup>355</sup>, arguing as Reinhard Mehring has put it that "the German sense for order survived in the Prussian bureaucracy and military to be resurrected in National Socialism"<sup>356</sup>. Exacerbating the deeply problematic nature of *Three Types* even further is its clear continuity with Schmitt's text *State, Movement, People* (1933), in which Schmitt's focus on the 'typical judge' as the foundation of an institutional thought is reformulated in the following terms:

If an independent administration of justice must continue to exist, even though a mechanical and automatic commitment of the judge to predetermined regularizations is not possible, then it all depends precisely on the *breed and type* of our judges and civil servants [...] The true *substance* of 'personality' must be secured with all firmness, and this is inherent in the commitment to the people and the ethnical identity of every man entrusted with the exposition, interpretation and application of the German law<sup>357</sup>.

And yet, precisely here it is important that we, firstly, do not reject the question because of the answer and, secondly, that we not therefore ignore *On the Three Kinds* evidence for Schmitt's interest in finding a solution or at least way around the problem of pure decisionism. For, while Schmitt's earlier thought does not exhibit racially founded arguments – for which reason it seems incorrect to speak of an immanent or unavoidable racist development in Schmitt's thought<sup>358</sup> – Schmitt's adoption of racist arguments does represent a response to questions of social homogeneity addressed in his earlier works – for which reason it is also incorrect to consider *Three Types* racist arguments as separate from his focus on

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<sup>353</sup> Schmitt, Carl. *Parlamentarismus*, p. 14.

<sup>354</sup> Regarding social homogeneity see: *Parlamentarismus*, p. 14ff. The examples Schmitt provides for the foundation of social homogeneity are, far from racial, ideal, namely, Roman *virtue* and Greek *arête*; cf. Schwab, Georg. *Carl Schmitt Hysteria in the US: The Case of Bill Scheuermann* pp. 99-107 in: *Telos* no. 91 (Spring 1992), p. 105.

<sup>355</sup> In *On the Three Types*, Schmitt writes of Hegel's philosophy of law and state that within it "all these tendencies and directions of German resistance found their systematic resumé, their 'Summa' [...] In it, concrete order thought comes once more to life with an unmediated power" (p. 38); "Hegel's state is neither mere sovereign decision nor a "norm of norms", nor an alternative combination which switches between the two conceptions of the state, state of exception and legality. It is the concrete order of orders, the institution of institutions" (p. 39).

<sup>356</sup> Mehring, Reinhard. *Pathetisches Denken*, p. 100.

<sup>357</sup> Schmitt, Carl. *Staat, Bewegung, Volk: Die Dreigliederung der politischen Einheit*, Hamburg: Hanseatische Verlagsanstalt 1933. In English: *State Movement, People: the triadic structure of the Political Unity*, trans. Simona Draghici, Corvallis, OR: Plutarch Press 2001, p. 50.

<sup>358</sup> Scheuermann, W.E. *Carl Schmitt: The End of Law*, Lanham, MD: Rowman & Littlefield 1999, pp. 115-116.

social reality and thus also his early works in general.

Thus, however problematic, the theory of social homogeneity at which Schmitt arrives must be grasped in the context of his occupation with the questions of legitimacy and the very grounding of law. Regarding this question of a homogeneous social basis, one can see that, just as Schmitt attempted to reveal the impossibility of constructing a closed system of normative law in *Political Theology*, so in *On the Three Types* he attempts to show that, as Thor von Waldstein puts it, “Even Jellinek’s classic positivist description of the ‘normative power of the factual’ could not distract attention from the fact that without the coordinate system of a concrete order legal positivism was not able to differentiate between right and wrong (*Recht und Unrecht*)”<sup>359</sup>. This is the basic problem which Schmitt addressed in *Political Theology* in so far as Schmitt formulated his definition of sovereignty as an attempt to answer the question of how a legal order can be maintained when society has lost any intuitive agreement regarding fundamental aspects of its order, whether they express themselves formally in a distrust of an officially sanctioned parliamentary process or substantively in divergent moral visions. As E.W. Böckenförde has put it, concrete order thought is Schmitt’s attempt to describe law’s grounding in “the concrete order of life and super-personal institutions of historical-social reality which precede the dualistic severance of is and ought”<sup>360</sup>, that is, in a pre-juristic category which Schmitt had attempted to identify in *Political Theology* as the decision. In *On the Three Types*, Schmitt identifies the problem of law’s foundation once more when he writes that: “A norm can be as indissoluble as it wants. It governs the situation only so long as the situation has not become completely abnormal and so long as normally presupposed concrete model has not disappeared [...] a pure, asituational and modeless norm would be a juristic monstrosity”<sup>361</sup>. It is in response to this continuous problem that Schmitt seeks to explicate the necessity of a societal homogeneity as the grounding of law. The importance of some kind of homogeneity was already an important

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<sup>359</sup> Waldstein, Thor von. *Der Beutewert des Staates*, Graz: Ares 2008, p. 102. Regarding Schmitt’s stance towards positivism see: *Solange das Imperium da ist*: Schmitt is, he says himself, “no positivist as Kelsen understands it. But there is, on the other hand [chuckles] also nothing other than positive law”, p. 92, see also: p. 95. The whole problem, the importance and simultaneous meaningless of the term positivism for Schmitt’s thought lies therein that he is at once a super-positivist, whose emphasis on the makeability of law via a sovereign decision, via authority, can be easily understood as a positivist rejection of a basis in natural law, while simultaneously rejecting the idea that law can be comprehended as an isolate system without reference to any kind of grounding. This problem, as much a problem for Schmitt reception as for the meaning of ‘positivism’ as such, is perhaps why the term anti-positivist, can be applied to thinkers as divergent as Kaufmann, Heller, Smend and Schmitt; see: Maus, Ingeborg. *Bürgerliche Rechtstheorie*, p. 27ff. “Therefore [for Schmitt] law is not positive, and juridical science cannot be identified with the frenetic activity of the ‘motorized legislator’; rather, both find their roots in a positive but invisible reality”, Carrino, Agostino. *Carl Schmitt and European Juridical Science*, pp. 180-194 in: *The Challenge of Carl Schmitt*, p. 187.

<sup>360</sup> Böckenförde, E.W.. Entry to *Ordnungsdenken, konkretes* pp. 1312-1315 in: *Historisches Wörterbuch der Philosophie*, ed. Joachim Ritter and Karlfried Gründer, vol. 6, Basel 1984.

<sup>361</sup> Schmitt, Carl. *DARd*, p. 20.

aspect of Schmitt's *Concept of the Political* in which he stressed the necessity of a "maßgebende Einheit", translatable as a "decisive", but also as a "normative unity" – the term *maßgebend* translates literally as "measure-giving" –, that is, the importance of their being a fundamental agreement on the identity of a political entity (*Einheit*), without which the unity (*Einheit*) dissolves<sup>362</sup>.

Schmitt's turn to a racial grounding obviously represents a serious problem which cannot be overlooked when interpreting Schmitt's theory of concrete order thought, but they are not aberrations without any continuity with the rest of his thought<sup>363</sup>. For, what makes these racial arguments difficult is not their mere existence but precisely the fact that only by acknowledging their presence in *Three Types and State, Movement, People* and their relationship to the question of social homogeneity and the foundation of law can we see the way in which Schmitt's theory of concrete order thought represents yet another manifestation

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<sup>362</sup> Schmitt, Carl. *BdP*, pp. 35-42. It is no coincidence that this fourth chapter of *The Concept of the Political* in which Schmitt discusses the unity, which I am suggesting should be understood as another approach to the basic question addressed by *On the Three Kinds*, is also the chapter in which he devotes extended attention to theories of pluralism and that both Croce and Salvatore as well as von Waldstein, respectively focused on concrete order thought and pluralism, see in these two theories a central opposition.

<sup>363</sup> Beyond his adoption of racial arguments, a striking and for this study highly pertinent peculiarity of this text can be seen in Schmitt's less positive stance towards the model of the Catholic Church as well as the concept of political representation, visible in the following passage: "There are various images and comparisons which should illustrate the relationship between ruler and ruled, governing and governed [...] For its power to rule over the believers, the Roman Catholic Church developed the image of the shepherd and the herd to a theological-dogmatic thought. Essential for this image is that the shepherd remains absolutely *transcendent* for the herd. This is not our concept of 'leadership' [*Führung*]. A famous passage in Plato's text 'Politikos' addresses the different comparisons of relevance for the statesman, as a doctor, a shepherd or a helmsman and then affirms that of the helmsman. [...] Another characteristic image is that of the horse and the knight [...] None of these images essentially captures that which is to be understood with political leadership in the essentially German meaning of the word. This concept of leadership originates out of the concrete, substantial thought of the National-Socialist movement completely. It is characteristic that any and all images fail and that every appropriate image is immediately already more than an image or a comparison but rather precisely already leadership in the matter at hand. Our concept neither needs nor is it capable of a mediating image or a representative comparison. It originates neither out of baroque allegories and representation nor out of a Cartesian *idée générale*. It is a concept of unmediated presence [*unmittelbarer Gegenwart*] and **real presence** [*realer Präsenz*]", *Staat, Bewegung, Volk*, pp. 41-42. Though, as has been emphasized repeatedly, no serious assessment of Schmitt's political activity or the texts produced during that period can be undertaken in this study, I would nonetheless like, due to their relevance for this study, to make the following points: 1. Here we see Schmitt at a critical distance to the Catholic Church, not only in the explicit mention of its shepherd-imagery's insufficiency, but also in that he attempts to describe National Socialist leadership as neither in need nor capable of baroque representation; 2. this leads to Schmitt's employment of a term which we have, however, seen him thoroughly criticize in *Roman Catholicism* and which, in that it characterizes the entire materialistic, economic-protestant age, is also at the core of his political theology: "real presence". Given that economic thought's demand for the "real presence" of things is at the core of its fundamental incapacity to ever truly provide the real presence of things, it seems to me unlikely that Schmitt's employment of this phrase in the context of National Socialism is to be understood as the same kind of real presence sought by economic thought. Rather, I would suggest that this real presence be understood as an intensification of Schmitt's concept of representation which, as we have seen lies not merely in its capacity for mediation but in its ability to make things truly and fully present in a way inaccessible to economic thought; 3. while not by any means a definitive statement it seems important to me, in light of Schmitt's critical distance to the Catholic Church in this passage, to consider Ernst Niekisch's claim that Schmitt recognized in National Socialism a movement with the tendency to take on a Church-like structure, see: Niekisch, Ernst. *Das Reich der niederen Dämonen*, pp. 333-334.

of the same drive to find a middle ground which we have been analyzing in Schmitt's theorization of the Catholic Church, this time manifest in a third kind of juristic thought at once between and more than normativism and decisionism.

***The Problem of Decisionism.*** In addition to the nationalist nature of this text, there is also a theoretical critique of this work launched by Löwith. Löwith's critique, expressed in the essay *The Occasional Decisionism of C. Schmitt*, is that Schmitt's claim to have found a third kind of legal thought is an only apparent solution to his problem: "this most recent transformation of Schmitt's versatile thought gives the impression of overturning everything he has said. In reality it only confirms the thoroughly occasionalist character of his political thought"<sup>364</sup>. While Löwith's critique is a fundamental one and cannot be gotten around entirely it is also over-simplifies the problem of concrete order thought.

Thus, Croce and Salvatore's due emphasis on the role of social context is neither capable of, nor has as its goal, the elimination of the exception as a relevant and central point of Schmitt's thought: "Ultimately, Schmitt's institutional integration does not rule out his original decisionist stance"<sup>365</sup>. Moreover, as they themselves acknowledge the state of exception is precisely that situation "in which a new configuration of social relationships has grown exponentially and increasingly so far as it prevents the law from being obeyed by changing and corrupting the normal *status quo*"<sup>366</sup>; the very point of *Political Theology* was that institutionalist thought, normative thought and/or any kind of thought other than a purely anormative decisionism fail to address the nonetheless present problem of the exception, that is, the moment in which the social reality upon which the decision should theoretically draw, has disappeared. The problem, according to Löwith, is that if concrete order thought does not actually solve the problem of decisionism, then it has the tendency to take on the appearance of a fundamental failure to move beyond decisionism. The continued presence of this problem is clear if we turn to the way in which Croce and Salvatore describe Schmitt's view of decisionism within this new institutional thought: "Surely, Schmitt was aware that in a pluralistic society, such as that of the early twentieth century, moralities, faiths and reasons diverged to such an extent that a prominent author [Max Weber] could speak of a polytheism of values"<sup>367</sup>, in other words, precisely the dissolution of a social reality upon which any norm, or decision, could draw. "He was aware that general clauses had not been able to

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<sup>364</sup> Löwith, Karl. *okkasioneller Dezisionismus*, p. 116.

<sup>365</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 60.

<sup>366</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, pp. 14-15.

<sup>367</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 60.



provide dependable guidelines”<sup>368</sup>, i.e. guidelines which corresponded to the social reality, and that their inability to correspond thereto was a result of the fact that a stable and uniform, that is, reasonably homogenous social reality was crumbling. Moreover, Schmitt is therefore aware that “the activism,” in other words decisionism, “of German judges in the 1910's and the 1920's were spreading”<sup>369</sup>. The point, however, is that:

as we have argued, Schmitt does not see general clauses as abstract criteria, but as precise guidelines to be applied by trained and loyal judges, who know how their leader wants them to be applied. In Schmitt's view, general clauses can serve the function of directive guidelines only if they are used in the light of the interpretation given by the sole legitimate interpreter. This is the final conclusion of *The Three Types*<sup>370</sup>.

This argument raises the problem that concrete order thought ultimately represents only a postponement of the problem of decisionism, not a solution. It fails to provide a solution to decisionism in so far as it still leaves uncertain the identity of this “sole legitimate interpreter,” in other words Schmitt's constant question: “*quis judicabit*”, who decides? The fact that this remains unanswered leaves open the question of the decision, for in a state of exception precisely the identity of the “sole legitimate interpreter” is thrown into question. While, therefore, Schmitt focuses not on one supreme judge, but on the many judges at work in a state, and thus speaks of questions of “competence” (a term absolutely foreign to existentialist decisionism in which any and everyone is “competent”, if by competent we mean capable of making such a decision, because the capacity to make an existential decision cannot be dependent upon anything as external and foreign as information but must, rather, spring out of an inner truth), this apparent focus on the “average” judge leaves unanswered the central question of the (existential) decision. For, in that moment in which the question is “who decides?”, the question of sovereignty is also always that of the subject of sovereignty and we have returned, in only a few steps, to subjective occasionalist decisionism under the conditions of Kierkegaard's individual. This is the case for two reasons: firstly, because the very training of the judge will always rely upon some external source of instruction and the contents of this instruction will in turn rely upon or at least contain the possibility of a last instance, i.e. ultimate sovereign; and secondly, because no matter how well trained the judges may be, their training can only ever provide them with guidelines which, while useful, will never be able to absolutely exclude the possibility of the individual judge's needing to make a

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<sup>368</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 60.

<sup>369</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 60.

<sup>370</sup> Croce/Salvatore. *The Legal Theory of Carl Schmitt*, p. 60.

decision in the eminent sense.

However, where Löwith's interpretation of concrete order thought falls short is in its unwillingness to accept that concrete order thought is not intended as the ultimate solution to decisionism. It is intended to **curb** or complete decisionism, or to describe a sphere of activity in a state of relative normality, not in the state of exception. Löwith's dualistic thought has no room for such an interlocking schematic and forces him to see a failure to eradicate the decision as a return to decisionism, indeed, he is himself guilty of the very dualism which Schmitt identifies as so symptomatic of modernity.

Nonetheless, the serious difficulties posed by this problem, which overpower any attempts to read concrete order thought as an answer capable of eliminating decisionism's problems<sup>371</sup>, become clear if we examine Helmut Spinner's meritorious attempt to articulate the contents of an "occasional rationality" underlying Schmitt's reflections in *On the Three Kinds*, paying attention to Spinner's ultimate inability to do so. According to Spinner's reading, Schmitt's concrete order thought, as well as his decisionism participate in the response to and attempt to overcome the "bankruptcy of the idées generalles", an answer to the death of occidental rationalism. Seen as part of Schmitt's attempt to conceive of an entirely new form of reason and to provide an answer to the previous four-hundred years of European intellectual history, it becomes clear that the occasionalism of Schmitt's concrete order thought, that is, its lack of grounding in normative principles, is not so much the failing as it is the goal of concrete order thought. Thus, while Löwith seeks to counter Schmitt by revealing his decisionism as well as his concrete order thought as occasionalist in nature, he forgets that Schmitt's critique of Political Romanticism lay not in its occasionalist nature but in its **subjective** occasionalism<sup>372</sup>. While, therefore, Schmitt may indeed have inherited an

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<sup>371</sup> If concrete order thought is intended to curb or complete and not to resolve the problem of decisionism then the concrete task faced by Schmitt scholarship is that of a developing a schematic of Schmitt's theory of law. Rather, that is, than decide whether Schmitt was a decisionist or an insitutionalist it is important that we delineate the fields allotted to each kind of thought. Such schematization would require a closer analysis of the relationship between decisionism and concrete order thought than the one offered by Croce and Salvatore. Schmitt spends considerable energy in *Political Theology* arguing that the decision cannot be derived from already present social interests, that is, that "There are no purely declaratory decisions at all" (Schmitt, Carl. *PT*, p. 37). Sovereignty is more than "the role of a merely declaratory herald" who "does nothing but determine the legal value of interests as visible in the legal consciousness of fellow members of its people". He also, however, writes that the problem of sovereignty lies therein that the "interests" or 'will of the people' is not always readily identifiable and, in the extreme case of civil war, precisely the object in question; thus the normativist Krabbe fails, according to Schmitt, to recognize "That the problem of law as a substantial form lies precisely in this act of determination" (Schmitt, Carl. *PT*, p. 31). This statement, much as it is intended to provide the grounding for a decisionistic argument, has important consequences for this decisionism in that it also makes clear how Schmitt's sovereign is involved in the activity of, so to speak, reading society. This is not to say that Schmitt's concrete order thought is already contained in his decisionist thought. It is, however, to say that the basic problem of interpreting a societal basis of law is certainly present in Schmitt's theory of sovereignty and, moreover, in a very fundamental way.

<sup>372</sup> Schmitt, Carl. *PR*, pp. 124-125.

occasionalism from the Romantics, his goal was to overcome their subjectification of the world, their confusion of themselves with God, not their occasionalism per se. Indeed, if we briefly follow Spinner, we may even suggest that Schmitt's explicit goal was the very founding of an "occasionalist rationality"<sup>373</sup>. This occasionalist rationality is a response to Max Weber's formulation of "occidental rationality", a "singular rationality, formed »on the grounds of the Occident and only here (Weber, *Religionssoziologie* Vol. 1, p.1.)«"<sup>374</sup> characterized by the dominance of "rules", "laws" and "method"<sup>375</sup>, furthermore an "orientation towards general values"<sup>376</sup>, which Spinner refers to as "principal oriented rationality" (*prinzipielle Rationalität*)<sup>377</sup>. Characteristic of this orientation are its universality, dogmatism, prescriptiveness, constancy (in the sense of proposing rules with trans-historical validity), cosmopolitanism (in the sense of extending across social boundaries) and its objectivity (manifest in the equality of all persons before the law)<sup>378</sup>. Thus, "If it is true that principle oriented rationality has gone bankrupt", then "occidental rationality must today – as, in Schmitt's view, jurisprudence then – be liberated from the »dead end of general concepts«"<sup>379</sup>. What Spinner wants to argue is, more specifically, that this attempt to overcome the bankruptcy of universal principles is not a mere reversion to irrationality, i.e. the complete arbitrariness of decisionism, but rather the explication of an "occasional" rather than "principal oriented" rationality, the latter of which has been understood as the only form of rationality, not least of all because Weber himself characterized it as such<sup>380</sup>. This occasional rationality is characterized, in contrast to the six characteristics of principal

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<sup>373</sup> Spinner is certainly not the only scholar to have noted this "occasional" character of Schmitt's thought. Of particular importance is Ingeborg Maus' dissertation *Bürgerliche Rechtstheorie und Faschismus*, in which Maus critically analyzes Schmitt's thought as the "model of a theory of law [...] which does not make the 'material' of civil societal order static and frozenly fixed, but rather, conversely, safeguards itself against democratically checked interventions by means of a dynamic conception of an unformal and **situationally** reconstituted law (*durch die dynamische Konzeption unformalen, je situationsbedingt neu sich konstituierenden Rechts gegen demokratisch kontrollierte Interventionen absichert*)" (Maus, Ingeborg. *Bürgerliche Rechtstheorie und Faschismus*, p. 18).

<sup>374</sup> Spinner, Helmut. *Der ganze Rationalismus einer Welt von Gegensätzen. Fallstudien zur Doppelvernunft*, Frankfurt a.M.: Suhrkamp 1994, p. 24.

<sup>375</sup> Spinner, Helmut. *Der ganze Rationalismus*, p. 32.

<sup>376</sup> Spinner, Helmut. *Der ganze Rationalismus*, p. 148: "Of the individual characteristics of principle oriented rationality *universality* is the most striking one, the characteristic which influences its specific character most clearly".

<sup>377</sup> Spinner, Helmut. *Der ganze Rationalismus*, p. 29.

<sup>378</sup> Spinner, Helmut. *Der ganze Rationalismus*, pp. 147-153.

<sup>379</sup> Spinner, Helmut. *Der ganze Rationalismus*, p. 45.

<sup>380</sup> Spinner, Helmut. *Der ganze Rationalismus*, p. 31: "Who or whatever is at all capable of rationality has not only an irrational residue in its rationality [*Rationalität mit einem irrationalen Rest*], but rather commands, in the core of its nature, in addition to the principally rational [*grundsatzrationalen*] standard equipment of a principle-oriented personality [*prinzipiengeleiteten Persönlichkeit*], a further, alternative rationality potential, which acts as an occasional rationality [*Gelegenheitsvernunft*] and opens new, crafty, ingenuous and clever paths. Weber did not go this far. He is, as a historian of rationality, the chronicler of the whole rationalism of dual reason in the Occident, as a diagnostician of rationality, however, the theoretician of only one half".

oriented rationality, by particularity, arbitrariness<sup>381</sup>, goal-orientedness (rather than principal-orientedness), inconstancy, locality and sociality<sup>382</sup>. The last of these is of particular interest for our discussion of Schmitt's concrete order thought. In opposition to principal oriented rationality's "objectivity" (*Sachlichkeit*), occasional rationalism's "sociality" is "»personal« in its social relationship to particular institutions and/or to other particularities of the social world"<sup>383</sup>. As part of occasional rationality, concrete order thought is characterized by an attention to the situation, an attention which Spinner illustrates extensively with an analysis of Brecht's play *The Decision (Die Maßnahme)*, a discussion which we will forgo in detail but which culminates in Spinner's attempt to read Schmitt and Brecht as representatives of an occasional rationality captured in Brecht's proclamation "And as for the old practice, I see no reason in it. I need a new, great practice much more, which we must implement immediately, namely, the practice of reflecting anew in each new situation"<sup>384</sup>. What Löwith's critique forgets is that what he sees as the ultimate reversion of concrete order thought to decisionism is in fact a manifestation of Schmitt's attempt to conceive of a non-principal oriented form of rationality, not so much a polemic against "occidental rationality" as a response to the reality of the situation, modernity's experience of occidental rationality's bankruptcy and death. Seen in this way it becomes possible to further conceive of Schmitt's concrete order thought as the attempt to explicate such an occasional rationality and understand why Löwith's critique is misplaced.

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<sup>381</sup> Though, for reasons of argumentative scope, we forego a discussion of Schmitt's *Theorie des Partisanen: Zwischenbemerkung zum Begriff des Politischen* (1963; henceforth *TP*; Berlin: Duncker & Humblot 1992), it is interesting to note that the first of four defining characteristics with which Schmitt formulates his concept of the partisan is "irregularity" (*TP*, p. 20f). The partisan, which does not belong to the "classical" (*TP*, p. 16), and is thus not bound to the clear rules of uniformed combat in orderly rows (cf. Schickel, Joachim. *Gespräch mit Carl Schmitt*, p. 12). The interesting thing about this definition of the partisan as an irregular, post-classical figure is that – without attributing any intention to Schmitt himself – a certain similarity becomes visible between this conception of the partisan and Schmitt's "occasional" non-principle-oriented rationality, which is equally as much an inhabitant of the post-classical age, that is, the age of the bankruptcy of the *idées générales*. Of further interest for this study is the relationship between irregularity and illegality and, in particular, the way in which Schmitt's argument regarding the partisan's legality (either the partisan is "a kind of *lighter*, particularly agile but regular troop or it simply stands outside the law and is *hors la loi* as a particularly detestable criminal, *TP*, p. 17) mirrors his argument against exclusivist definitions of the term humanity (cf. *BdP*, p. 51), to which we will turn shortly. Lastly I would like to note the partisan's tragic-katechonal nature, two terms which will occupy us significantly in the third chapter of this study: "In Spain the guerillero dared to fight the hopeless battle, a poor devil, a first and typical case of the irregular canon fodder of world political conflicts" (*TP*, p. 14; cf. Schmitt's use of the term canon fodder in this passage with his citation of Bakunin in *RC*, p. 37); "[The partisan] is one of the last posts of the earth as a not yet fully destroyed world-historical element" (*TP*, p. 74); on the partisan as katechon cf. also: Schmoeckel, Matthias. *Carl Schmitts Begriff des Partisanen. Fragen zur Rechtsgeschichte des Partisanen und Terroristen*, pp. 189-217 in: *Forum Historiae Iuris* HI 2006. Accessed online at URL: <http://www.forhistiur.de/media/zeitschrift/0603schmoeckel.pdf>, accessed on: 01.09.2015, see paragraph 19.

<sup>382</sup> Spinner, Helmut. *Der ganze Rationalismus*, pp. 163-171.

<sup>383</sup> Spinner, Helmut. *Der ganze Rationalismus*, p. 170.

<sup>384</sup> Brecht, Bertolt. *Der Neinsager* in: *Gesammelte Werke in 20 Bänden*, vol. 2, ed. Suhrkamp press in cooperation with Elisabeth Hauptmann, Frankfurt a.M.: Suhrkamp 1967, p. 629.

At the same time, and here we want to acknowledge once more the seriousness of the problem which Löwith identifies, Spinner's theory suffers from a fundamental difficulty, namely, as he himself writes, occasional rationality's incapacity to "either follow the rules of principle oriented rationality or to lead to such rules"<sup>385</sup>, the latter of which is most serious. Thus, despite the fact that Spinner wants to strongly differentiate between occasional rationality and Hitler's "pathological reaction to momentary impressions" which "falls outside of the orienting framework of double [occidental and occasionalist] rationality" and "into the residual category of no longer oriented, at least no longer »qualifiedly oriented«, subrational behaviour"<sup>386</sup>, it becomes difficult to understand how exactly he wants to do so<sup>387</sup>. Occasional rationality has a purely negative, critical character and is incapable of any positive construction. The whole problem around which our reflections on Schmitt's human rationality and its ambivalence revolve is that, as Matthias Kaufmann has written in his critical monograph of Schmitt's thought *Law without Rule*, "here, Schmitt can only prove the insufficiency of an overly narrow concept of the rule when describing law. He cannot, however, propose an alternative fundamental concept to that of the rule"<sup>388</sup>.

### 1.2.2.3. Concrete order thought and the sphere of human activity

The problems which arise in the attempt to formulate a positive theory of occasional rationality on the basis of Schmitt's concept of the human cannot be ignored and are products of the occasional rationality's very rejection of normative formulation. In spite of these

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<sup>385</sup> Spinner, Helmut. *Der ganze Rationalismus*, p. 207.

<sup>386</sup> Spinner, Helmut. *Der ganze Rationalismus*, p. 208.

<sup>387</sup> In addition to this basic problem there are several points concerning Spinner's reading of Schmitt which should be mentioned and addressed. The first of these is that, while we have employed his argument in order to clarify Schmitt's concrete order thought and while Spinner himself cites Schmitt's proclamation of the "bankruptcy of the idées generales" which appears in *On the Three Types*, Spinner's primary point of reference in reading Schmitt is his decisionism. This results in a repetition of the negative, decisionistic reading of Schmitt which we are trying to counter in our explication of Schmitt's concept of the human. While positioning Schmitt and Brecht as partners in their attempt to overcome principal oriented rationality, Spinner therefore then argues that within this grouping "Schmitt delivered the negative, Bert Brecht the positive key word" (Spinner, Helmut. *Der ganze Rationalismus*, p. 34) because Schmitt can ultimately "only respond to all determined men (leaders, dictators, commissaries, partisans) theoretically with the empty decision and practically with brutal measures" (Spinner, Helmut. *Der ganze Rationalismus*, p. 44). Spinner's focus on Schmitt's decisionism is, for the purposes of his argument, not entirely misplaced because Spinner wants to see Schmitt as a pure opponent of Weber's principal oriented rationalism. As such, however, he overlooks the fact that Schmitt's concrete order is tied to his concept of the human which, if our considerations of the relationship between the human and the juristic are correct, cannot be reduced to an absolute rejection of principal oriented rationality. Instead, juristic thought and in turn Schmitt's concept of the human as well as concrete order thought are deeply systematic in nature and rooted, as we will see in more detail in the next chapter, in a dogmatic core. This is perhaps what Spinner tries to explicate when differentiating Brecht's occasional rationality from Hitler's sub-rational behavior, in which sense I do not mean to critique Spinner's thought as a whole, but rather, his reading of Schmitt as the purely "negative" counterpart for Brecht.

<sup>388</sup> Kaufmann, Matthias. *Recht ohne Regel*, p. 371.

problems this work continues to contend that the concept of the human represents a fruitful object of study and a central concept in Schmitt's thought. Schmitt's (or for that matter Spinner's) inability to explicate it negates neither its importance nor its presence. For, while incapable of being the foundation for a theory of rationality, it has at least become clear that, in addition to a logic of mediation, the human is, for Schmitt, a concept deeply tied to the question of social reality. This is the two-fold nature of the concept of the human to which we have already made reference. The concept of the human is not merely a cipher for a particular form of rationality but rather also the designation of a particular sphere of activity and cannot be fully grasped without considering the latter. Indeed, as I would now like to illustrate, Schmitt's own reflections, not on 'the human' as such, but on the term 'humanity', make clear that and why the human is not a concept which can be structurally defined, but rather the designation of a sphere of activity.

In the closing pages of *Political Theology*, Schmitt indirectly addresses the problem of a human rationality's conceptual vagueness, its incapacity to "either follow the rules of principle oriented rationality or to lead to such rules". Citing Lorenz von Stein's description of liberalism, Schmitt writes:

"No human acumen" Stein says, "is acute enough to resolve this opposition conceptually" [... Stein] recognizes in the many contradictions the fullness of life. The "irresolvable blurring of hostile elements in one another", "precisely" this is "the true character of all life"; every entity carries its oppositions; "pulsating life resides in the continuous interpenetration of opposing forces; and, indeed, they are only then really opposed once one has removed them from life". [...] It belongs to the essence of life to slowly create out of itself new oppositions and new harmonies etc. etc.<sup>389</sup>

Though Schmitt then points to de Maistre and Cortés' inability to think in such "organic" terms, it is of interest here that Schmitt's description of liberalism in this passage mirrors much of what we have seen, not only in *Roman Catholicism*, but also in Schmitt's theorization of concrete order thought<sup>390</sup>. Liberalism is, in a certain sense, a *complexio oppositorum* which, like the Catholic Church's logic of representation and "outlasting duration" (*überlebende Dauer*), constantly and slowly brings forth new oppositions and harmonies. In the context of the conceptual difficulties of concrete order thought it is important that Schmitt describes the "contradictions" of liberalism as conceptually [*begrifflich*] irresolvable. Thus, when Schmitt writes that the contradictory aspects of

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<sup>389</sup> Schmitt, Carl. *PT*, p. 65.

<sup>390</sup> Regarding Schmitt's development of his theory of liberalism, its 'ideal type' see: Kennedy, Ellen. *Carl Schmitt und die Frankfurter Schule. Deutsche Liberalismuskritik im 20. Jahrhundert*.

liberalism are “really only then opposed once one has removed them from life”, he means when one has removed them from their inimitable unity in the “concrete order of life and super-personal institutions of historical-social reality which precede the dualistic severance of is and ought” and which ground his concrete order thought<sup>391</sup>. The point to be had is that Schmitt's description of this “concrete order of life” precedes conceptual thought. “Life” is the key word, both for this description of liberalism and for Schmitt's concrete order thought. Its structure and the rules for accessing it cannot be delineated, at least not in the way that Löwith demands, because there is no source of legitimacy, but rather only the description of a sphere of activity, “the fullness of life”<sup>392</sup>.

In light of this relationship between conceptual vagueness and the “fullness of life” I am suggesting that a complete understanding of the human cannot be achieved by trying to conceive of the human as a positive theory of rationality. Instead, task of this study becomes not that of resolving this problem, but of tracking a cipher, the fullness of life as the sphere of human activity and looking at how it manifests itself. This is why it was important for us to stress with our observations on Arendt, Dilthey and Scheler in the introduction that Schmitt's concept of the human, while approachable in terms of rationality, is primarily visible in the fundamental role played by his attempt to identify a human phenomenon, a plane of existence particular to the human. It is on this human phenomenon that the next two chapters will focus their attention.

Schmitt's awareness of the difficulties presented by a definition of the human is expressed in his critique of all attempts to define the term humanity, as formulated in *The Concept of the Political*. As Schmitt sees it, the employment of the term “*Menschheit*” or the French “*Humanité*” is a trick and its purpose is to create an even more dangerous division than the friend-enemy divide which Schmitt proposes<sup>393</sup>. More than the mere logical

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<sup>391</sup> Böckenförde, E.-W. entry to *Ordnungsdenken, konkretes*, pp. 1312-1315 in: *Historisches Wörterbuch der Philosophie*.

<sup>392</sup> Interesting in this context is a comment from Volker Neumann during the discussion in response to Ellen Kennedy's essay, *Politischer Expressionismus*, in which Neumann stated: “Carl Schmitt criticized the “political Romantics” not only for the relationship to reality missing in their thought, but above all because they avoid conceptual definition” (pp. 261-262). Of further note is a “radical conceptuality” identified by Hugo Ball in Schmitt's thought in *Die Politische Theologie Carl Schmitts*, published in: *Der Fürst dieser Welt*, pp. 100-115. Further to the topic of the concept in Schmitt's thought: Meier, Christian. *Zu Carl Schmitts Begriffsbildung – Das Politische und der Nomos*, pp. 537-556 in: *Complexio Oppositorum*.

<sup>393</sup> The link between Schmitt and romance culture, be it Italian, Spanish or French, and not German culture has been both pointed out as well as refuted on a number of occasions and it is well known that Schmitt had strong ties, not only intellectually to Alvaro d'Ors, for example, but through the marriage of his daughter to the Spanish jurist Alfonso Otero. At the same time there is, in numerous theoretical texts, a strong anti-westernism, anti-French sentiment. Regarding antiromanism, not only in Schmitt's text *The Three Kinds*, but also in the “*Freirechtsbewegung*” (Free-law Movement), see: Behrends, Okko. *Von der Freirechtsbewegung zum konkreten Ordnungs- und Gestaltungsdenken*, pp. 34-79 in: *Recht und Justiz im »Dritten Reich«*, ed. Ralf Dreier, Frankfurt a.M.: Suhrkamp 1989, in particular pp. 72-74. The paradox of Schmitt's sometimes

impossibility of there being a political entity called “humanity”, impossible because it would contradict the “pluralism” inherent in his concept of the political world, Schmitt's concern is that:

The use of the name “humanity” [*Menschheit*], the calling upon the authority of “humanity”, the occupation of this word, all this could only manifest the terrifying claim that, because one simply cannot use such a sublime name without certain consequences, the enemy should be denied the quality of a human being, that it be declared *hors-la-loi* and *hors l’humanité* and war thereby be taken to the most extreme degree of inhumanity<sup>394</sup>.

The problem which Schmitt has with the use of the term humanity (*Menschheit*) is that it is a means of disqualifying one's opponents on the basis of an arbitrarily determined definition of what it means to be a human being. Schmitt continues some pages later, writing that “it is not therefore difficult for the opponent of a clear political theory [...] for this is what politics depends upon – to declare [the clear recognition and description of political phenomena] *hors-la-loi* devilry which should be fought”<sup>395</sup>, a critique which he repeats on the last page of *Concept of the Political* when he writes “The opponent is no longer called enemy, but is, in exchange, placed *hors-la-loi* and *hors l’humanité* as a breaker and disturber of the peace”<sup>396</sup>. This critique of humanity in the sense of a “humanitarian-moral perfection which one thought of as progress in the 18<sup>th</sup> century”<sup>397</sup>, springs out of Schmitt's belief that “From the conceptual characteristic of the political proceeds the pluralism of the world of states”<sup>398</sup>. Because of this inherently pluralistic nature “Political unity cannot by nature be universal in the sense of an entity which encompasses all of humanity and the whole world”<sup>399</sup>. Such a unity would present us with two problems: either there really is no more enemy external to this world-state, in which case the entirety of human existence has been reduced to mere economics, in its Greek sense as *Oiko-nomia*, that is, the administration of the house, in opposition to the public, political sphere, thus proving the irresolvable difference between politics and

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anti-Prussian, sometimes anti-Romance mentality is of an inestimable importance and might be seen as an equivalent in political terms to the question of his Catholicism. (Cf. Wilhelm Stapel's comment that “In terms of literature Schmitt was fully oriented towards the French novel (although he is politically anti-French)” in: *Schmittiana: Band V*, p. 42). Carl Schmitt's concept of the human is perhaps itself deeply representative of this divide: his negative employment of the term *humanité* seems to reflect what is widely understood to be the deeply anti-enlightenment, anti-French nature of Schmitt's thought; yet Schmitt does not recourse to the German, but rather to the latin *humanitas* “which is still philosophical in the philosophical sense” (*Der Staat als Mechanismus bei Hobbes und Descartes*, p. 139).

<sup>394</sup> Schmitt, Carl. *BdP*, p. 51.

<sup>395</sup> Schmitt, Carl. *BdP*, p. 61.

<sup>396</sup> Schmitt, Carl. *BdP*, p. 72.

<sup>397</sup> Schmitt, Carl. *BdP*, p. 52.

<sup>398</sup> Schmitt, Carl. *BdP*, p. 50.

<sup>399</sup> Schmitt, Carl. *BdP*, p. 50.



economy for which Schmitt wants to argue; or the enemy has merely been transposed out of the public, inter-state and political sphere into the private, domestic and economic sphere, thus proving the totality and therefore unavoidability of the political, the political as fate<sup>400</sup>. More pointedly, therefore: “Whoever says humanity, wants to deceive”<sup>401</sup>. This argumentation is repeated by Schmitt in his essay *Donoso Cortés in Pan-European Context* (1944), reprinted in the eponymous volume 6 years later. He writes “What terrified him over and over is always the same insight: that the human being, which philosophers and demagogues elevate to the absolute measure of all things, is in no way the epitome of peace that they argue, but rather that it combats those human beings who do not submit to it with terror and annihilation”<sup>402</sup>. Up to this point there is nothing surprising about Cortés' pessimistic anthropology. Then, however, Schmitt continues, writing: “the concept ‘human’ (*Mensch*) only apparently causes a general neutralization of the oppositions between human beings. In reality it carries with it a counter-concept with the most terrifying killing potential, that of the un-human (*Unmenschen*)”<sup>403</sup>. Schmitt's concern is, just as in *Concept of the Political*, avoiding a definition of the human being, precisely because such a definition opens up the possibility of declaring one's enemy inhuman.

Now, however, it also appears that Schmitt is himself guilty of such a self-contradiction. For, as should be quite clear from our examination of *Roman Catholicism*, Schmitt himself uses the term 'humanity' (*Menschlichkeit, das Humane*), not just once, but almost excessively in *Roman Catholicism* and does so with a clearly specific, polemic intention. The question is therefore: how does Schmitt intend the term “humanity” if he does not intend it as an exclusivist definition when, for example, attempting to differentiate one form of rationality from another? What point of reference does the term human have in Schmitt's thought which allows it to designate a particular logic without therefore excluding all other logics which do not adhere to its form?

The extent to which this conceptual problem of exclusivism plagued Schmitt, as well

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<sup>400</sup> Schmitt, Carl. *BdP*, p. 71.

<sup>401</sup> Schmitt, Carl. *BdP*, p. 51. This phrase is a modified version of Proudhon's phrase “Whoever says God, wants to deceive”. According to Motschenbacher, the quote from Proudhon himself probably comes from the essay “*Dieu, c'est le mal*” (pp. 187-191 in: Proudhon, P.J., *Écrits sur la Religion*. Paris: Rivière 1959). Cf. Schmitt, Carl. *Dreihundert Jahre Leviathan* (1951), pp. 152-155 in: *SGN*, p. 153: “The situation of the black sheep *Machiavelli* is as follows. Had Machiavelli really been a Machiavellian he would not have written his infamous book but rather uplifting, directly anti-machiavellian books, bursting with praises of peace in which he declared all of his enemies thugs and criminals, whom he is, however, very ready to forgive if they let themselves be educated. That would have been real Machiavellianism. Today everyone knows how this is done”.

<sup>402</sup> Schmitt, Carl. *Donoso Cortés in gesamteuropäischer Interpretation. Vier Aufsätze* (henceforth: *DCGI*), Köln: Greven 1950, p. 110.

<sup>403</sup> Schmitt, Carl. *DCGI*, pp. 110-111.

as what I am arguing is his own turn away from a theoretical definition and towards the identification of a sphere of life, is clearly evidenced when we consider that the problem of exclusive definitions also stands at the core of Schmitt's concept of the political. For, in defining the political, Schmitt runs into a similar problem, that is, he faces the difficulty of appropriating a concept (the human/the political) in a very specific sense, while at the same time not losing its universal character. Thus, while Schmitt insists upon the distinction between the political and the economic he is forced to recognize the fact that even social forms which appear to be merely economic possess a remnant political quality: "By now we have recognized the political as the total and therefore also know that the decision about whether something is *unpolitical* always implies a political decision, regardless of who makes it and with which proofs it is veiled"<sup>404</sup>. Though Schmitt wants to define the political as a specific mode of existence, he is forced to admit that all forms of human existence are, in some way, political, while at the same time continuing to insist upon the specificity of political existence. It is this tension which Leo Strauß picked up on when asserting that, for Schmitt, the political is defined by being at once a totality and yet also endangered<sup>405</sup>. Were the political merely a totality, that is, and not a very specific form of existence, Schmitt would also have no reason to defend it against the economic.

In defining the human Schmitt faces the same problem: he wants to insist upon the specificity of the human without falling into the trap of disqualifying his opponents as "*hors le loi et hor l'humanité*", that is, without limiting the sphere of human existence to a particular group of human beings. It may be suggested that this is an unavoidable consequence of his concept of the political, that is, that Schmitt himself commits the very dishonesty of which he accuses the opponents of the political, namely: he defines a certain meaning of humanity and then declares the modern, supposedly overly technical and therefore dehumanized world as no longer human<sup>406</sup>.

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<sup>404</sup> Schmitt, Carl. *PT*, p. 7.

<sup>405</sup> Strauss, Leo. *Notes on Carl Schmitt*, p. 112: "the inescapability of the political thus exists only conditionally; ultimately the political remains threatened".

<sup>406</sup> Schmitt's solution to the tension between the political and politics can provide us with a possible solution to this problem. Given that he is invested in asserting the totality of the political as well as its particularity as a mode of existence, Schmitt's critique of economic thought and political liberalism can only be understood as a critique of liberalism's false consciousness, its "bad faith". What Schmitt critiques about liberalism is, therefore, not so much that it is apolitical as that it claims to be apolitical; liberalism wants to be political while pretending not to be political, to be pluralistic while not admitting its deepest authoritarianism. What we want to note here is that this critique of liberalism's "bad faith" is mirrored when, as we have already noted, in formulating his understanding of the particular rationality of the Catholic Church, Schmitt critiques economic thought for the false exclusivity of its claim to rationality. Schmitt does not want to deny economic thought its particular rationality, that is, its particular way of viewing the world: "Economic thinking has its own reality and honesty in that it remains absolutely objective, that is, in that it is concerned only things" German original: "*Dieses Denken hat seine eigene Realität und Ehrlichkeit, indem es absolut sachlich, das*

Here, without suggesting that the problems posed by a conceptually clear definition of a human rationality are the same as those posed an exclusivist conception of humanity, the key insight which I am attempting to make clear is the shift away from a definition of the human and towards an understanding of the human as a sphere of activity. This conceptualization of the human as a sphere of activity can be seen quite clearly in the essay *The Age of Neutralizations and Depoliticizations* where Schmitt writes of the “German generation which preceded us (Ernst Troeltsch, Max Weber, Walter Rathenau)” that it was “captivated by an atmosphere of cultural downfall [...]. The irresistible power of technology appears here as the dominance of spiritlessness over the spirit or as, perhaps, spiritiful but soulless mechanism”<sup>407</sup>. Then, while conceding that “The fear was justified, it sprang out of a dark feeling for the consequence of the process of neutralization which had reached its end”, Schmitt concludes that “the fear was however ultimately nothing more than doubt about their own power”<sup>408</sup>. Schmitt wants to think beyond this preceding generation and to escape the false, dualistic opposition of technology and spirit and to think in the spirit of “a quiet knowledge about the particular character of spiritual processes and their dynamic”. The essay closes with a kind of profession of faith in which Schmitt writes that “Finally, we also see through the atmosphere of that generation which saw in the age of technicity only spiritual death or soulless mechanicity”<sup>409</sup>. It is for this reason that, while certainly elucidating, McCormick’s emphasis on Schmitt’s polemic against the technologization of politics is somewhat one-sided<sup>410</sup>. For, while certainly disconcerted by the inhumane mechanistic nature of parliamentary liberalism in which a decision is confused with a majority vote, the fear which Schmitt identifies in the preceding generation and which he wants to overcome is the “doubt about their own power to make use of the great instrument of new technology, although it only waits that one make use of it”<sup>411</sup>. When Schmitt writes of this technology that it is, perhaps “evil and devilish spirit” and “something horrendous”, but the main point he is trying to make is that, in spite of this “the spirit of technicity” can neither “be discounted as mechanistic, nor attributed to technicity”, and is not “itself something technical and

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*heißt bei den Dingen bleibt*” (RC, 16; RK, p. 27: modified – N.H.). What Schmitt wants to criticize is that economic thought does not own up to the particularity of its rationality, its rationality’s lack of universality. It does not want to admit that it, like the Catholic Church, is caught in the same contingent world, subject to the same impossibilities of ever attaining a truly objective position. That is its bad faith. The particular humanity of the Catholic Church therefore lies in a two-fold stance: firstly, therein that it admits the particularity of its rationality; secondly, that, in the knowledge of its rationality’s particularity, it also accepts the only ever partial nature of its insights, while nonetheless being capable of affirming this partiality in its partiality.

<sup>407</sup> Schmitt, Carl. *BdP*, p. 84.

<sup>408</sup> Schmitt, Carl. *BdP*, p. 85.

<sup>409</sup> Schmitt, Carl. *BdP*, pp. 86-87.

<sup>410</sup> McCormick, John. *Carl Schmitt’s Critique of Liberalism*.

<sup>411</sup> Schmitt, Carl. *BdP*, p. 85.

mechanical [...] not simply dead, spiritless or mechanized soullessness”<sup>412</sup>. What it does mean is that Schmitt’s notion of a particularly human reason is explicitly intended not to fall into the trap of a plain opposition to the technical. Instead Schmitt writes that “it is not correct to resolve a political problem with antitheses of mechanical and organic, death and life. For life does not fight against death and the spirit does not fight against spiritlessness. Spirit fights against spirit, life against life, and out of the power of an upright [*integrer*] knowledge there arises the order of human affairs”<sup>413</sup>, a thought which he had already expressed in *Roman Catholicism* when he wrote that “Were the Church to have rested content with being nothing more than the soulful polarity of soullessness, it would have forgotten its true self; it would have become the desired complement of capitalism”<sup>414</sup>.

When considering Schmitt’s theory of rationality and his or its opposition to an economic technical rationality it is, therefore, important to keep in mind that a simple reduction of Schmitt’s thought to anti-technical irrationalism is insufficient and incapable of accounting for the particular field of activity in which Schmitt locates the “order of human affairs”, namely not in a battle of life against death, spirit against technology, but in the conflict between various forms of life, in the “pluralism of spiritual life”<sup>415</sup> and the sphere in which it takes place.

In emphasizing the relationship between the concept of the human and the identification of a sphere of human activity, be it the sphere of social normativity (concrete order thought) or the sphere of the political, it may appear as if we have negated our discussion of the Church’s particularly human rationality. This is not the case. For, while the attempt to reconstruct a positive concept of the human by means of Schmitt’s theory of rationality proved conceptually unsatisfying, this does not mean that a particular mode of thought bears no relevance for the identification of a sphere of human activity. On the contrary, as we will see in the next chapter, Schmitt’s identification of this sphere of human activity is only possible from the interpretive middle position of a particularly human rationality.

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<sup>412</sup> Schmitt, Carl. *BdP*, p. 85. This should not, however, suggest that Schmitt was part of the group which Mohler refers to as “national revolutionary”, characterized by a belief in technology and progress as a means of conservatism (Mohler, Armin. *Die konservative Revolution in Deutschland 1918-1932: ein Handbuch*, Graz: Ares 2005, pp. 176-181), nor least of all that Schmitt has any explicit affinity to the Italian futurists.

<sup>413</sup> Schmitt, Carl. *BdP*, p. 87.

<sup>414</sup> Schmitt, Carl. *RC*, p. 11.

<sup>415</sup> Schmitt, Carl. *BdP*, p. 87.

## Chapter 2. Between Dogma and Agony

In examining the relationship between rationality and the human in the last chapter we have begun to see why, though conceivable as a mode of mediating, anti-technical-economic rationality, the concept of the human must also be conceived of in its relationship to a particular sphere of activity. Thus our attention turned to an interest common to the particular rationality of the Catholic Church, juristic thought and concrete order thought, namely, an interest in the social world. In the following chapter I will press this argument by analyzing the concept for which Schmitt is perhaps most famous: the political, arguing that Schmitt's understanding of the political as the ultimate sphere of human activity can only be grasped in its entirety when understood from a particularly human interpretive perspective. What it means to interpret the political from a 'human' perspective will become clear once we have seen how the fundamental relationship between anthropology and the political lies not so much in an 'anthropological confession' of pessimism, but in the concept of the political's very nature as the analysis of an anthropological sphere.

In this sense our reading of the relationship between anthropology and the political exceeds the boundaries of Schmitt's own explicit reflections on this relationship. For, nowhere does Schmitt make the nature of this relationship clearer than in the seventh chapter of the *Concept of the Political*. There Schmitt clearly states not only that all political theory is inherently anthropological, and all anthropology inherently political, but also that "all true political theories" presuppose a "by nature evil or at least problematic" human being<sup>416</sup>. According to Schmitt's argument, a pessimistic anthropology must be presupposed in order that political thought be possible, because a world inhabited only by "good" people loses its political character and reverts to the mere economic administration of needs<sup>417</sup>.

What I am arguing in this chapter is, however that Schmitt's *Concept of the Political* does not merely presuppose an initial, pessimistic anthropology, but that the political itself is only comprehensible as an anthropological analysis, that is, as the analysis of human activity as a phenomenon. Grasping the political as the analysis of an anthropological phenomenon means more than merely revealing the functional necessity of an anthropological presupposition as well as more than merely confirming the nature of politics as an affair amongst humans, but rather identifying the way in which Schmitt's concept of the political is constructed around a particular interpretive perspective. This interpretive perspective is, as we

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<sup>416</sup> Schmitt, Carl. *BdP*, p. 57.

<sup>417</sup> Schmitt, Carl. *BdP*, p. 60.

will see, structurally similar to the concept of human rationality as we have developed it in the last chapter. Thus the following chapter argues that the full anthropological meaning of Schmitt's concept of the political lies therein that Schmitt's concept of the political can only be accessed when viewed through the interpretive lens of a conception of the human.

While this chapter's argument seeks to reveal an anthropological aspect of Schmitt's political thought which exceeds that of the "anthropological presupposition" of an evil or problematic human nature, our insight into this larger framework will be gained by means of an interaction with this very anthropological presupposition. Thus, in the first section of this chapter I focus on a reading of Schmitt's anthropological confession in *The Concept of the Political*, summarizing it and then concentrating on the anthropological positions which Schmitt describes, ranging from the Abbé Gaudel's Tridentine dogmatic ambivalence to Donoso Cortés' agonistic pessimism to Lutheranism's dogmatic pessimism. In doing so I will argue that the decisive anthropological dichotomy is not so much that of pessimism and optimism, but rather the difference between two modes of anthropological analysis: the dogmatic and the agonistic. (2.1). Once the basic structure of Schmitt's anthropological presupposition and its relationship to the political has become clearer, I will then begin to problematize an overly simplistic analysis of it. In order to do so I will turn to look more closely at the figure of Donoso Cortés', whose arch-Catholic doctrine of primordial sin has all too often been equated with Schmitt's own anthropology and which is, even in its own right, more complex than mere misanthropy. Turning to the four essays published in various years and collected under the title of *Donoso Cortés in Pan-European Context*, I will argue that, in his oeuvre as a whole, Schmitt by no means equated Cortés exclusively with an agonistic anthropological pessimism but, in fact, saw Cortés as a model for the occupation of a middle position between agonistic pessimism and dogmatic optimism (2.2). Drawing on our identification of Cortés' anthropology's humane middle position, we then turn to look at Schmitt's own reflections on the political, turning, in particular, to another form of 'thought': political thought, in order to show how Schmitt's contemplation of the political can be grasped in the terms of a particularly human rationality, a particular mode of perception, sensitive to the precarious middle position inhabited by human beings. In order to reveal this connection, we will focus on several reflections offered by Schmitt, particularly in the endnotes to the 1963 edition of *The Concept of the Political*. Thus we will see that, in addition to taking place on a particularly 'human' plane of existence, the political is fundamentally tied to the concept of the human because it only becomes visible as a concept when viewed through the interpretive lens of a human rationality (2.3). In the case of the political I will identify this

interpretive lens of human rationality in a concept of ‘political thought’ as a view of the world sensitive to the nature of political activity. With this idea of ‘political thought’ in mind, I then turn my attention to explicating the contents of this sphere of the political, examining Schmitt’s interpretation of Cortés as the exemplification of political activity in its particularly precarious nature. In particular I will address three concepts and terms which play a central role in Schmitt’s interpretation of Cortés: “self-aware stature” (*selbstbewußte Größe*), secularity, and pretention, all of which will underscore the particular humanity which Schmitt sees in Cortés’ thought (2.4). Finally, we turn to consider this view of the political and of human activity in a broader philosophical context, looking, in particular, at Wilhelm Dilthey’s philosophical foundation of the *Geisteswissenschaften* and Max Scheler’s reflections on the tragic (2.5).

## 2.1. The Anthropological Confession

According to the seventh chapter of *The Concept of the Political* all political theories are concomitantly anthropological theories. Schmitt writes: “In the chapter ‘The Power-Man’ of his work ‘Lifeform’, E. Spranger very appropriately says: ‘the study of the human being is naturally, for the politician, of prime interest’”<sup>418</sup>, adding that “H. Plessner correctly says that there is neither a philosophy nor an anthropology which is not politically relevant just as, conversely, there is no philosophically irrelevant politics”<sup>419</sup>. Political philosophy and anthropology mutually presuppose each other, the former because it works from a specific conception of the human being and the latter because whatever anthropology is proposed will necessitate the construction of a particular political system<sup>420</sup>.

However, while there are many possible anthropologies of which one can conceive: the theocentric-medieval and the secular-enlightened, there is a fundamental anthropological characteristic along the lines of which Schmitt suggests that all political theories can be divided into two groups: “One could examine all political theories and divide them according to whether they, consciously or unconsciously, presuppose a human being ‘by nature evil’ or

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<sup>418</sup> Schmitt, Carl. *BdP*, p. 55.

<sup>419</sup> Schmitt, Carl. *BdP*, p. 56.

<sup>420</sup> This analogy belongs to Schmitt’s “sociology of concepts”, the method which he explicitly employs in *Political Theology*, described in the following terms: “But it is certainly part of the sociology of the concept of sovereignty of this epoch to show that the historical-political existence of the monarchy corresponded to the intellectual structure of western European civilization as a whole and that the juristic formation of the historical-political reality was able to find a concept, the structure of which accorded with the structure of metaphysical concepts. [...] The metaphysical conception of the world in a particular age has the same structure as the form of political organization which appears self-evident to that age. The identification of such exact correspondences [*Identitäten*] is the sociology of the concept of sovereignty” (Schmitt, Carl. *PT*, p. 50).

‘by nature good’<sup>421</sup>. Just as Schmitt famously defines the political according the friend-enemy distinction, so we can say that Schmitt defines political anthropology according to the distinction between a positive or optimistic (“by nature good”) and a negative or pessimistic (“*by nature evil*”) anthropology. Thus, authoritarianism presupposes a “dangerous” or “problematic” nature of man because it rests upon the assumption that authority is necessary, which in turn rests upon the assumption that man is prone to do evil if not kept under control in some way. Anarchism on the other hand necessarily presupposes that man is good because only a good-natured man could be left to live free from all forms of constraint, i.e. authority<sup>422</sup>.

This distinction between a pessimistic and optimistic anthropology is, however, not merely the line along which a division of political theories is possible, it is itself the test of whether one is dealing with a truly political philosophy or not. For this reason, Schmitt suggests not only that politics and anthropology mutually presuppose and correspond with one another, but that “all true political theories presuppose an evil nature of man”<sup>423</sup>. “In reality, with their ‘pessimism’, political theoreticians such as Machiavelli, Hobbes, and often Fichte, only presuppose the tangible reality or possibility of the differentiation between friend and enemy”<sup>424</sup>. “Because they are always aware of the concrete existentiality of a possible enemy”, that is to say because they are not under the liberal illusion that mankind exists in “a good world among good people” in which there “naturally is only peace, security and harmony with everyone”, “these thinkers often express a kind of realism which is particularly suited to frightening people in need of security”<sup>425</sup>. Thus, in the same way Schmitt makes clear where liberalism stands:

For liberals, on the other hand, the goodness of man is nothing more than an argument, with the help of which the state is put in service of ‘society’ and says, therefore, only that ‘society’ contains its own order and that the state is only its subordinate, watched suspiciously and bound to precise limitations. [...] The anti-state radicalism increases in accordance with the belief in the radical goodness of human nature<sup>426</sup>.

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<sup>421</sup> Schmitt, Carl. *BdP*, p. 55.

<sup>422</sup> Schmitt, Carl. *PT*, p. 69: “If de Maistre says that every government is necessarily absolute, the anarchist literally says the same thing; the difference is only that, with the help of his axiom of the good human being and the corrupt government, the opposite practical conclusion, namely, that for precisely this reason every government must be fought because every government is dictatorship”.

<sup>423</sup> Schmitt, Carl. *BdP*, p. 57.

<sup>424</sup> Schmitt, Carl. *BdP*, p. 60.

<sup>425</sup> Schmitt, Carl. *BdP*, p. 60.

<sup>426</sup> Schmitt, Carl. *BdP*, pp. 56-57; Cf. *PT*, p. 61: “Just as the revolutionary radicalism is infinitely deeper and more consistent in the proletarian revolution of 1848 than in the revolution of the third estate in 1789, so the intensity of the decision is intensified in the counter-revolutions philosophy of the state. This radical intensification manifests itself on the increased importance of the axiomatic thesis about human nature”.



Thus, that liberalism both believes in the radical good of man's nature while at the same time possessing “no real theory of the state nor political idea” is no coincidence<sup>427</sup>. Indeed, politics is about the reality of “concrete groups of people which, in the name of ‘the law’ or ‘humanity’ or ‘order’ or ‘peace’, fight against other concrete groups of people”<sup>428</sup> and which, by nature of their convictions are obliged to view the enemy as “evil” or at least “problematic”, as “dangerous”, because the designation of enemy is applied to those who endanger the existence of a collective. The presupposition of man as a problematic, if not evil creature, is merely the consequence of believing that there is something worth fighting for, the consequence and presupposition of believing that particular social orders, ideas and ways of life have meaning only by virtue of the fact that they can be lost and the idea that there can be divergent opinions on the proper order of things<sup>429</sup>.

The opposition between true political theory and anthropological optimism is a result of the, for Schmitt, equally indissoluble opposition between the political and the economic. In reality, saying that the human being can be educated (Rousseau) or that it can be altered through economic practice ultimately leads to the belief that the human being is good, or at least not radically and eternally problematic. In short, the core of anthropological optimism is the belief that the human being ceases to be problematic because it can be appeased, trained, satisfied or administrated. For, if humans are good, then there are no problems of substantive belief, but only “needs” to which economic thought readily responds saying “Very well. Then these needs must be satisfied”<sup>430</sup> and the enlightenment thought of Rousseau presupposed that man is “by nature dumb and raw, but educable” and Marxist socialism believes that it can “change human beings by changing economic and social conditions”<sup>431</sup>. Thus, while certainly an agent in its fight against the state, liberalism is “actually neither a theory of the state nor a political idea”<sup>432</sup>.

In contrast to the apolitical economics of the liberal enlightenment stands the political doctrine of Donoso Cortés. Against Proudhon’s “anti-theological anarchism” which consequently had to proceed from that axiom [of man’s goodness]”, Cortés “the Catholic Christian proceeded from the dogma of original sin”<sup>433</sup>. Now, however, before merely

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<sup>427</sup> Schmitt, Carl. *BdP*, p. 57.

<sup>428</sup> Schmitt, Carl. *BdP*, p. 62.

<sup>429</sup> Regarding the possibility of divergent opinions in a more situational sense cf. *PT*, p. 25.

<sup>430</sup> Schmitt, Carl. *RC*, p. 16; *RK*, pp. 26-27: modified – N.H..

<sup>431</sup> Schmitt, Carl. *PT*, p. 61.

<sup>432</sup> Schmitt, Carl. *BdP*, p. 57.

<sup>433</sup> Schmitt, Carl. *PT*, p. 62. To whatever extent it may underplay the importance of original sin in Schmitt’s anthropology, see: Palaver, Wolfgang. *Die mythischen Quellen des Politischen: Carl Schmitts Freund-Feind-*

jumping to the conclusion that Schmitt – who is undoubtedly interested in formulating a “true” theory of the political – simply assumes Cortés’ absolute pessimism, it is important that we keep in mind that the pessimistic anthropology has the function of making possible “all further political reflection”<sup>434</sup>. It is not, in its functional role, an anthropology in and of itself. The more interesting and important question regarding the doctrine of original sin in Schmitt's thought is not whether Schmitt's interpretation of it is correct or incorrect, but why Schmitt clearly and intentionally misinterpreted the doctrine of original sin. Schmitt makes clear the non-dogmatic nature of this anthropology when, in an endnote to the 1963 edition of *The Concept of the Political*, he writes that “the use of a phrase like ‘by nature’ good or evil does not imply a personal confession of faith, neither to Aristotle’s Physis-concept [...] nor to the contrasting platonic or Christian theological concepts of nature”<sup>435</sup>.

Understanding that Schmitt's deployment of the doctrine of original sin, as well as his anthropological pessimism as a whole, has a particular function in his thought is certainly an important insight into the merely relative status of this pessimism. However, the identification of this functional nature of Schmitt’s anthropological pessimism by no means fully explains the importance of Schmitt’s pessimistic anthropology. For, if we accept Schmitt’s pessimistic anthropology, recognizing its merely functional nature and not attributing to it the status of an absolute statement about the ‘physis’ of the human being, then we can also ask whether Schmitt’s thought contains some kind of anthropology which exceeds the merely functional pessimism of Schmitt’s anthropological confession. While this study does not want to argue that Schmitt ever provides a definitive statement about the nature or ‘physis’ of the human being, it does want to suggest that Schmitt’s interest in the relationship between anthropology and the political exceeds the framework of a merely functional presupposition. What this

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*Theorie* (Stuttgart: Kohlhammer 1998, pp. 56-59), for an interesting attempt to connect Schmitt’s concept of the political more strongly with the question of predestination, rather than original sin. Regarding the concept of predestination in Schmitt’s work see not only Schmitt’s mention of elect and non-elect in *BdP*, p. 59, but also Schmitt, Carl. *Land und Meer*, p. 83.

<sup>434</sup> Such confusion leads Danijel Paric, for example, though he correctly sees that the real question of Schmitt's anthropology lies beyond an exegesis of the doctrine of original sin, to nonetheless suggest that Schmitt himself employs the doctrine of original sin in order to justify his own theory, rather than to see it as Schmitt's explication of Cortés' position. Rather than merely equating the two, the nature of Schmitt’s relationship to Cortés could be examined in terms of its nature as ‘correspondence’, ‘critique’ and ‘defense’. Of these categories the third, ‘defense’ seems most interesting to me because it makes clear that when, for example, in chapter four of *Political Theology*, Schmitt attempts to describe the structure of “decisionistic thought”, he is not necessarily merely expressing his own view but, rather, attempting to justify the internal logic of the counter-revolutionaries (see above: Excursus on the term “thought” (*Denken*) in chapter 1) who, Schmitt believes, are the object of an epochal prejudice against all forms of authority. The fact that he defends them – and here perhaps we can see the theoretical manifestation of Schmitt’s nature to think not merely as a legal theorist but as a lawyer invested in defending his clients – does not therefore mean that Schmitt completely agrees with them, but rather, that he feels the logical coherence of their thought should be made clear. Cf. the discussion of the political’s tragic structure, ch. 2.5.

<sup>435</sup> Schmitt, Carl. *BdP*, p. 112.

study wants to suggest is, therefore, that, despite its correctness, the relativization of Schmitt's pessimism has the tendency to cover up a second aspect of Schmitt's insistence upon the necessity of presupposing a problematic human nature. This second aspect of Schmitt's anthropological pessimism – which also throws into question our capacity to ascribe an anthropological pessimism to Schmitt's thought in the first place – lies therein that the functional reading of Schmitt's pessimism overlooks the fact that this anthropological presupposition is itself preceded by and grounded in a particular interpretive perspective and, moreover, that this interpretive perspective is of anthropological importance. We can, in other words, interrogate the functional nature of Schmitt's anthropology not only for purpose of its employment but also for the origin of its employment, asking, so to speak, not so much why it is employed but whence it is employed. It is the contention of this study that, by analyzing the very interpretive perspective from which Schmitt formulates his anthropological pessimism we can begin to see, via his analysis of Donoso Cortés, that such an anthropological pessimism is in fact formulated from a position of extreme ambivalence, in no way comprehensible in the terms of mere anthropological pessimism, but rather deeply informed by a concept of the human.

A central clue to understanding the interpretive position from which the functional argument of anthropological pessimism is employed can be found when Schmitt comments on Cortés' employment of the doctrine of original sin. He writes that Cortés:

polemically radicalized [the ambivalent Tridentine doctrine] to a doctrine of the absolute sinfulness and depravity of human nature. For the Tridentine dogma is not simply radical. It speaks, in contrast to the Lutheran conception, not of an absolute worthlessness, but of a disposition, cloudedness, woundedness, and leaves the possibility of natural good completely open. The Abbé Gaduel, who criticized Donoso Cortés from a dogmatic perspective, was therefore right when he raised dogmatic doubts about the exaggeration of the natural malice and absolute wretchedness of the human being [...] Nonetheless it was certainly unjust to overlook the fact that, for Cortés, it was a matter of a religious and political decision of tremendous immediate importance and not the development of a dogma<sup>436</sup>.

The dynamic of this passage is complex and involves two separate claims. The first of these is the simple fact that Schmitt clearly voices his agreement with the Abbé Gaduel's anthropological criticism of Donoso Cortés, that is, his agreement with a less than pessimistic anthropology rooted not in the human's absolutely evil nature, but in its clouded ambivalence. The second claim in this passage is that Donoso Cortés' absolutely pessimistic anthropology

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<sup>436</sup> Schmitt, Carl. *PT*, p. 62.

is, nonetheless, ultimately justified. This claim can easily suggest that Schmitt negates his expression of support for the Abbé Gaudel's anthropology, ultimately siding with Cortés' pessimism. Indeed, not only does the absolute depravity of man accord better with the pessimistic anthropology, it is a well noted feature of Schmitt's thought to be polemic in nature, to be, that is, formulated under the circumstances of an immediate political situation. As Schmitt himself wrote in *The Concept of the Political*, "First of all, all political concepts, ideas and words have a *polemic* meaning; they are concerned with a concrete opposition and are bound to a concrete situation, the ultimate consequence of which [...] is the friend-enemy distinction (*Freund-Feindgruppierung*)"<sup>437</sup>. What is important here is that we not rush to ally Schmitt too strongly with either side of the anthropological debate. For, ultimately, when he declares the Abbé's reading of Cortés an injustice to the latter he does not therefore declare Cortés' anthropology as his own. Instead we should keep in mind that what we are left with at the end of this passage from *Political Theology* is a two-fold anthropological claim. As unjust as it was for the Abbé to demand a dogmatic objectivity of Cortés' agonistic reading, it is also true that Cortés' claim is, according to Tridentine doctrine, false.

In order to understand this problematic we should pay attention to the distinction Schmitt draws between the perspectives under which their anthropological arguments are formulated, namely, the distinction between a dogmatic and an agonistic perspective. The basic difference between the dogmatic and the agonistic is the difference between lived experience and theory, between subjectivity and objectivity. The agonistic is the position of a political agent too deeply entrenched in its concrete problems to concern itself with dogmatic precision. It is defined by its will to achieve an immediate political change of some sort. Fundamentally determined by this end-oriented existence, an anthropology formulated from this perspective will necessarily have to do away with a certain degree of dogmatic precision. The dogmatic position, on the other hand, is the position of the detached spectator, not subject to immediate political exigencies and therefore capable of more precise, balanced reflection, unified by overarching structural principles<sup>438</sup>.

Schmitt's identification of Cortés' anthropology with an agonistic-functional

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<sup>437</sup> Schmitt, Carl. *BdP*, p. 29.

<sup>438</sup> My use of the term 'dogmatic' in this case and study should not be confused with a real definition of dogmatics or *Rechtsdogmatik*. In this context it suffices to note that the function of legal dogmatics has been defined by Jan Harenburg in the following terms: "Because [courts of law] have to make decisions under restrictive conditions (above all: the necessity to decide and to justify), they need a special supplier which affords them this possibility – and thereby takes over the function of a producer of legal rules – through suitable suggestions" (*Die Rechtsdogmatik zwischen Wissenschaft und Praxis: Ein Beitrag zur Theorie der Rechtsdogmatik*, Stuttgart:Steiner 1986, p. 6). This positioning of legal dogmatics in the **practical** position of a producer of legal rules suitable for the concrete, contingent situation with its constraints is clearly not that of the dogmatic in the sense with which it is employed here, and by Schmitt, that is, as a field of thought distanced from such practical political questions.

interpretive position, has consequences which concern not only the context in which Donoso Cortés's anthropological pessimism must be read, but in particular the position it occupies with respect to other anthropologies. The full extent of these consequences becomes clearer when we consider that we are dealing not so much with a division between the Abbé and Cortés, but rather with a three-party spectrum of Abbé, Cortés, and Lutheranism: it means, as we will see, that Cortés' anthropology is, for all its radicality, actually an anthropological middle position.

Lutheranism is introduced before Schmitt draws the distinction between the Abbé and Cortés on which we have focused and it is in contrast to this Lutheran concept that the Tridentine dogma stands in ultimate opposition. At the same time, the presence of a third anthropological position and the fact that Schmitt clearly places it in stark opposition to the Tridentine doctrine of man's mere "cloudedness", does not suffice to show that Schmitt conceives of Cortés as an anthropological middle position. Indeed, it is almost more readily suggested that the Tridentine dogma is actually only confronted by two different forms of anthropological pessimism. As Schmitt writes: "[Cortés,] however, polemically radicalized [the ambivalent Tridentine doctrine] to a doctrine of the absolute sinfulness and depravity of human nature"<sup>439</sup>. Thus it would seem that what we are really dealing with is a Tridentine dogma positioned between two forms of absolute anthropological pessimism: while, based upon man's absolutely corrupt nature, Lutheran dogma arrives at a doctrine of absolute subservience, Cortés, based upon the same anthropological pessimism, arrives at a doctrine of absolute sovereignty. Furthermore it appears that Lutheranism and Cortés are actually only one single doctrine of an authoritarianism viewed by Lutheran dogma in terms of the political subject and by Cortés in terms of the political ruler, both ultimately arriving at Schmitt's own belief in the need for man to be ruled. For this reason, according to Schmitt, Cortés' anthropology bears strong resemblance to a modern Protestant insistence upon the absolute division of god and man and appears "to agree with Lutheran Dogma". Yet, after supporting the Abbé Gaduel's critique of Cortés, Schmitt is also quick to defend Cortés and, moreover, to do so by distancing Cortés from the very Lutheran stance with which he brought him into proximity only several lines before. Schmitt writes:

When [D.C.] speaks about the natural evilness of the human being, he is polemically opposing atheistic anarchism and its axiom of the good human being; he intends it ἀγωνικῶς and not δογματικῶς. Although he appears to agree with Lutheran dogma, he has a different attitude [*Haltung*] than the Lutheran, who submits himself to any authority; here as well he retains the

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<sup>439</sup> Schmitt, Carl. *PT*, p. 62.

self-aware stature of a spiritual descendent of Grand Inquisitors [*die selbstbewußte Größe eines geistigen Nachfahren von Großinquisitoren*]<sup>440</sup>.

Thus, after repeating his defense of Donoso Cortés' agonistic pessimism, Schmitt makes clear that Cortés' position is not the absolute, dogmatic pessimism of Lutheran Protestantism. This does not mean that Cortés occupies a middle position between Lutheran dogma and Catholicism in the sense of formulating a half Lutheran-pessimistic, half Tridentine-clouded anthropology. What it means is that Cortés' anthropology clearly represents a third possible position, opposed to both that of the Abbé and Lutheranism. While the introduction of Lutheranism offers the possibility of reading the Tridentine dogma as an anthropologically ambivalent position in opposition to the pessimisms of Donoso Cortés and Lutheranism, what the revelation of Cortés' agonistic position reveals is that the anthropological opposition can also be shifted away from an optimistic-clouded/pessimistic division (Gaduel vs. Cortés and Lutheranism) and towards an interpretive, agonistic/dogmatic division (Cortés vs. Gaduel and Lutheranism).

The relationship between the Abbé and Cortés is a topic to which Schmitt returned a few years later in his essay *The Unknown Donoso Cortés* (1929). There Schmitt writes:

He undertook extended dogmatic explications and thereby found himself in the dangerous situation that any professional theologian could easily put him in his place. And indeed this was the most terrible fate of the great diplomat. A French theologian Gaduel, who cannot in the least be compared with him, demonstrated an array of dogmatic inaccuracies and errors<sup>441</sup>.

In the same way that he argued for the agonistic nature of Cortés' attempted anthropology in *Political Theology*, Schmitt then writes that “Theology, which he held to be the only solid foundation of political theories, contained more possibilities for disputes and distinctions than he could admit”<sup>442</sup>. Cortés found himself, that is to say, forced to deny or prevented from admitting the Tridentine cloudedness of man because of the immediate, agonistic political situation in which he found himself. Thus Schmitt also writes that “The lucid identification of such a confusion [between the “progress of technology” and “the progress of freedom”] drove Donoso to a despairing antithesis and forced him to assume the Cassandrian pessimism which shocked so many because they viewed him dogmatically instead of understanding him existentially”<sup>443</sup>. From this passage it is clear that Schmitt sees a

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<sup>440</sup> Schmitt, Carl. *PT*, p. 62.

<sup>441</sup> Schmitt, Carl. *DCGI*, p. 70.

<sup>442</sup> Schmitt, Carl. *DCGI*, p. 70.

<sup>443</sup> Schmitt, Carl. *DCGI*, p. 104.

dogmatic approach as the source of misinterpretation and misunderstanding in the case of Cortés<sup>444</sup>. Cortés can, for Schmitt, not be understood without fully comprehending the position, the existential situation, in which he found himself. Indeed, entangled in the events of his age, Cortés' battle against liberalism turned out to be counterproductive: “today we see that, in his theological battle against Proudhon, Donoso polemicized in a certain sense against an ally and even a kinsman”<sup>445</sup>; “It is not difficult to know this today and all too cheap to therefore feel oneself superior”<sup>446</sup>.

## 2.2. Between Dogma and Agony

In reading Schmitt's reflections on the anthropological presupposition of all political theories and emphasizing the primacy of the agonistic-dogmatic division over and above the optimistic-pessimistic division we have been outlining the terms of discussion within which this chapter's argument will now be unfolded. At the same time, a closer examination of Schmitt's interaction with Cortés also quickly reveals the impossibility of reducing his position to a mere opposition between the agonistic and the dogmatic. While the introduction of the Lutheran position may have the effect of reinforcing the interpretation of Cortés' position, as an agonistic one located not only in opposition to Tridentine dogma, but to Lutheran dogmatism as well, it also becomes apparent that, for Schmitt, Cortés' thought is also characterized by an equally strong dogmatic tendency. Despite, therefore, Schmitt's repeated observation about Cortés' agonistic position and limited theoretical freedom when formulating an anthropology, Schmitt then writes that Cortés world view “is, furthermore, not presented as an occasional, romantic-pessimistic impression, but rather as dogma and system”<sup>447</sup>. What we have here is nothing other than an explicit description of Cortés' thought in its dogmatic nature, a thesis which suggests a relationship between the Abbé and Cortés, the dogmatic and the agonistic, which exceeds that of a simplistic opposition. This becomes even clearer when, in *Donoso Cortés*, Schmitt insists on the sober clarity of Cortés' thought, writing that “The political views as well, which are expressed in the letters with uninhibited liveliness, appear in the essay closed within a systematic framework and let their creator

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<sup>444</sup> Here it may be noted that the pessimism which Schmitt references in this sentence is not an anthropological pessimism, but rather, in particular Tocqueville's pessimistic diagnosis that “the revolution of 1789 [is] the symptom of a process of irresistible centralization” and that this centralization is nothing other than “the growing industrialization and technicization [*Technisierung*]” (p. 90). And not only Tocqueville, but Burckhardt, Weber, Troeltsch, Rathenau and Spengler: “Their decisive historical categories all point back to that diagnosis of a self-centralizing humanity, the end stage of which will be a completely organized *factory* [*Betrieb*] and an equally thoroughly organized bureaucracy” (p. 91).

<sup>445</sup> Schmitt, Carl. *DCGI*, p. 76.

<sup>446</sup> Schmitt, Carl. *DCGI*, p. 74.

<sup>447</sup> Schmitt, Carl. *DCGI*, p. 71.

appear as a politician of a system and political doctrinaire”<sup>448</sup>. This is of prime importance because it means that Cortés’ apparent anthropological pessimism is not simply an insistence upon the primacy of the agonistic over and above the dogmatic, but itself characterized by a position between the dogmatic and the agonistic which, as we now begin to examine, reveals strong similarities with the concept of the human rationality developed in the last chapter. It is in this equally dogmatic and agonistic nature, that we will also see why a purely functional, that is, agonistic justification of the anthropological confession is insufficient to understand the relationship between anthropology and the political in its full dimensions. In that, however pessimistic it may be, Cortés’ anthropology retains its contact with the dogmatic, so it must also be grasped as something more than a purely occasional-agonistic argument.

Concrete evidence for Schmitt's attempt to conceive of a position both agonistic and dogmatic, as well as his awareness of this attempt's difficulties, is provided when Schmitt writes in *Donoso Cortés in Pan-European Context*: “If one compares his political theory with his diplomatic practice, there results the hardly compatible connection of an eschatological prophet with a purposeful diplomatic expert”<sup>449</sup>. Schmitt describes this “hardly compatible” dualism, citing Eugenio d'Ors, in the terms of “calido retorico, frio politco. Theory and practice had to compromise one another in such a situation”<sup>450</sup>. It becomes clear, in other words, that a tension between the agonistic and the dogmatic is an essential aspect of Cortés' thought and person. The tension is then emphasized once more when Schmitt writes that

Here his antithetic is elevated to the image of the last eschatological battle between atheism and Christianity, between unbelieving socialism and the remainders of a Christian-European social order. Here in his writings he becomes apocalyptic and eschatological. But in concrete reality he conducted politics as “frio politico”, which one cannot possibly understand in the tremendous terms of the last judgment<sup>451</sup>.

Thus the question is raised, whether Schmitt sees any way of resolving this two-fold nature. Of particular importance is, therefore, that at the end of *Political Theology* Schmitt writes: “He in no way ‘theologizes’; no ambiguous mystical combinations and analogies, no orphic oracle; in the letters about current political questions an sober often horrible lack of illusions and no sense of Quixotism at all; in the systematic trains of thought the attempt to reach a concision (*Konzision*) of good dogmatic theology”<sup>452</sup>. Above all it is to be noted that

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<sup>448</sup> Schmitt, Carl. *DCGI*, p. 71.

<sup>449</sup> Schmitt, Carl. *DCGI*, p. 73.

<sup>450</sup> Schmitt, Carl. *DCGI*, p. 74.

<sup>451</sup> Schmitt, Carl. *DCGI*, pp. 75-76.

<sup>452</sup> Schmitt, Carl. *PT*, p. 66.



Schmitt identifies in Cortés' "systematic trains of thought", to which the anthropological question certainly belongs, the "attempt to reach a concision of good dogmatic theology". What this sentence offers us is the possibility of relating the dogmatism and agonism with one another by considering the anthropological pessimism of Cortés' as an applied, concretized, 'concise' dogmatic position. Thus, the relationship, between the anthropologies of the Abbé and Cortés is not merely one of opposing but equally valid and therefore irresolvable differences in anthropology, formulated from two distinct positions. Rather, Schmitt also makes clear that the pessimistic anthropology of Cortés' has a particular kind of theoretical relationship to the dogmatic position of the Abbé. This act of making dogma more concise means that, in a certain sense, Cortés' anthropology is a kind of reduction, a driving of the extensive, expansive nature of dogma, to the extreme of its metaphysical core.

This act of 'making more concise' has been not only addressed, but described as a fundamental core of Schmitt's thought by Pedro Castelo Branco. As Branco sees it, Schmitt's thought can be grasped as an attempt to describe what Branco calls a moment of "secularization", understood in the absolutely widest sense of the term as an act of rendering the "idea" "reality"<sup>453</sup>. Thus, while it clearly exceeds the borders of a strictly defined religious discourse, what Branco seeks to identify with the term secularization is a moment of translation, exemplified in Schmitt's own claim that "All meaningful concepts of modern theories of the state are secularized theological concepts"<sup>454</sup>. Secularization is the term with which Branco refers to all acts of translation, whether from theological origin into a secular context or from the theoretical into the practical<sup>455</sup>. Focusing primarily on the relationship between the "legal idea" and legal "reality"<sup>456</sup>, Branco insightfully argues that, whether in his concept of the state, sovereignty, law or secularization itself, Schmitt is interested in what we may also refer to as a kind of incarnation or taking on of form<sup>457</sup>. It is as a bridge between legal idea and reality, between there exists an undeniable gap, that the "subjective moment" of the decision reveals its indispensability<sup>458</sup>. As an ideal, in other words, law can never realize itself since it is always conceived of under ideal conditions which never actually exist. Thus, all acts of realization (*Verwirklichung*) are both subject to and constituted by the contingency

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<sup>453</sup> Castelo Branco, Pedro Hermilio Villas Bôas. *Die unvollendete Säkularisierung: Politik und Recht im Denken Carl Schmitts*. Stuttgart: Steiner 2013, p.81.

<sup>454</sup> Schmitt, Carl. *PT*, p. 43.

<sup>455</sup> Cf. Neumann, Volker. *Die Idee im Lichte der Wirklichkeit*, pp. 557-575 in: *Complexio Oppositorum*.

<sup>456</sup> Of relevance and interest is, furthermore, that while drawing upon Schmitt's more famous texts, Branco's reading of Schmitt focuses on Schmitt's early work and, in particular, two texts: *Über Schuld und Schuldarten*, Schmitt's inaugural dissertation (1910) and *Gesetz und Urteil. Eine Untersuchung zum Problem der Rechtspraxis* (1912), München: Beck 2009.

<sup>457</sup> On the incarnation cf. ch. 3.5.

<sup>458</sup> *PT*, p. 36. Cf. Castelo Branco, Pedro Hermilio Villas Bôas. *Säkularisierung*, pp. 58-76. Nicoletti, *Complexio Oppositorum?*

of concrete reality<sup>459</sup>. What this concept of realization serves to elucidate is the relationship between the dogmatic and the agonistic; it reveals that the position of Cortés “in the systematic trains of thought”, i.e. including his anthropology, should be understood as an attempt to apply the ideal, Tridentine dogmatic position, according to which man's nature is clouded, to a concrete, contingent reality, as an act of “concision” as secularization.

We can see the relationship between Cortés and the Catholic-juristic form of thought underscored in a most important way if turn to the introduction which Schmitt wrote for his collection of essays about Cortés:

Never did he lose a clear eye for the political reality of the day. He always remained an assured diagnostician and his predictions spring out of a completely rational apprehension of the situation. As constitutional jurist and politician, as advisor to his queen he did not avoid the constraints of the changing situation. He bravely accepted the danger of erring and tried to find his way in the debates of opinion. Out of this resulted oppositions and enmities automatically. But the terrible, often diabolic hatred which directs itself against this kind and sensitive human being even to this day obviously has more deeply lying metaphysical reasons. It is related to the rationality of his being<sup>460</sup>.

Not only is the rational nature of Cortés' thought, its centrality and its relatedness to the metaphysical development of the west, as Schmitt reads it, blatantly obvious from this passage, it is furthermore important that Schmitt writes: “It would have been more comfortable for his enemies if their claim to having a monopoly on reason were not irritated”<sup>461</sup>. This description is of particular importance because we see not only Schmitt's insistence on the fact that Cortés thought rationally, but also, the same rhetoric of an alternative, competing rationality which we have just analyzed in the last chapter. Furthermore, we must remember here that the purpose of discussing the Church's particular form of rationality was not only to identify a form of rationality, but to identify the specific nature of this rationality in its profound humanity. Thus, at the end of *The Unknown Donoso Cortés*, Schmitt writes of Cortés' “existence as a Spanish Catholic” that it is “without any personal need to rule or savagery and, on the contrary, filled with **the whole pristine humanity [Humanität] of his being**, which makes him so endearing as person”<sup>462</sup>. Clearly these are very subjective and deeply personal judgments about Cortés. More important,

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<sup>459</sup> Castelo Branco, Pedro Hermílio Villas Bôas. *Säkularisierung*, p. 139.

<sup>460</sup> Schmitt, Carl. *DCGI*, p. 20.

<sup>461</sup> Schmitt, Carl. *DCGI*, p. 20.

<sup>462</sup> Schmitt, Carl. *DCGI*, p. 78. German original: “ohne jede persönliche Herrschaftsucht und Grausamkeit und, im Gegenteil, mit **der ganzen unberührten Humanität seines Wesens**, die ihn als Menschen so liebenswert macht”: emphasis – N.H..

however, than whether they are 'correct' is what they tell us about Schmitt's concept of rationality, his concept of the human and the way that Schmitt sees both of these in Cortés' thought.

In *Political Theology*, after describing the inherent contradiction of liberalism, not only political but cultural as well<sup>463</sup>, Schmitt identifies the concrete situation in which Cortés wrote as that of “diplomats and politicians”<sup>464</sup>. He wants to suggest that their political action and thought is therefore also always subject to the exigencies of this position. This is why they made compromises. The ability to make compromises has been a recurring theme in this study, firstly, in the form of Catholic Church's *complexio oppositorum* and Schmitt's argument that “all forms of political unity will involve a certain kind of indifference” and, secondly, in the form of Schmitt's concept of juristic thought as a thought which can only occur in this world and which, even if it “need not participate in the world of the empirical sciences”<sup>465</sup>, is subject to the problems of concretization inherent in the idea of the “realization of law”. Here it is useful for us to remember that Schmitt characterized Cortés' thought, in *Political Theology*, as “so down to the last atom juristic” as well as that, as we have discussed in the last chapter, Schmitt conceives of juristic thought as an attempt to maintain the structural coherence of a dogmatic position while nonetheless subjected to and at times distorted, though not beyond recognition, by the contingency of this world. It is therefore no coincidence that Branco sees the core of Schmitt's anthropology in a concept of contingency, that is, in the idea of the decision as an act of secularization, as the translation of the ideal into a not only not ideal but fully unique and unpredictable world. As Branco sees it, Schmitt envisions the nature of the state as a mediating instance between the absolute contingency, “unpredictability, shortlivedness, [and] limitedness of the individual being”, and the otherwise static ideal norm. The coordination of the individual and the state along the lines of an individual-state analogy need not occupy us here, both because we have pointed to it elsewhere as well as because Branco's nonetheless excellent insight into the contingent nature of individual existence should remain our focus here<sup>466</sup>. Human existence, the particularly

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<sup>463</sup> Regarding the difference between what I am referring to as cultural and political liberalism: it is important that, without dividing them completely, we keep these two terms apart from another. There is, on the one hand, a liberalism as the tradition of Kant, Mill, Habermas, Rawls etc.. On the other hand there is, what I am referring to here, for lack of a better word, as cultural liberalism, a kind of parliamentary, democratic liberalism with a strong belief in the state of law and which is, nonetheless, often compatible with decidedly, for lack of a better word, “conservative” politics. It is also further assumed that both of these terms can remain at great distance from notions of “neo-liberalism” as an economic theory.

<sup>464</sup> Schmitt, Carl. *PT*, p. 65.

<sup>465</sup> Schmitt, Carl. *PT*, p. 40.

<sup>466</sup> Though Branco's emphasis on the moment of secularization or realization bears strong similarities to our concept of a human rationality it also seems to me that, without reducing the excellence of his work, Branco's analysis remains within an overly static mode of analysis, limiting its object of investigation to the pre-

human is grounded in the contingency of this world. As Branco puts it: “If there is one foundational premise of this thought, it is contingency, without which one could not speak of a decisionism”<sup>467</sup>. The contingency to which Branco points is the fact that that human existence always takes place in a world so particular and specific that no norm, no dogma, can ever appear in its pure form. Dogma must always be applied and it is the application, the realization of this dogma which Schmitt wants to identify in Cortés' thought. In this context it is elucidating to note the similarity between Cortés' translation of the “clouded” and ambivalent Tridentine anthropology and Schmitt's interpretation of the human being as “open question” in Helmuth Plessner's political anthropology. Regarding Plessner, Schmitt wrote:

For Plessner, the human being is ‘primarily a being which distances itself’ whose being remains undefined, inscrutable, and an ‘open question’. In the primitive language of that naïve political anthropology which works with the differentiation between ‘evil’ and ‘good’, Plessner's dynamic ‘remaining open’ may, with its daring [*wagnisbereiten*] proximity to reality and to the matter at hand and because of its positive relationship to danger and to the dangerous, be closer to the ‘evil’ than to the good<sup>468</sup>.

We have already noted in the introduction that it is important to keep in mind that Plessner's anthropology is itself initially formulated in the neutral terms of the “open question”. Indeed, the reason for which we return to this quotation is that just as the resulting proximity to the “evil” of Plessner's anthropology is a product of a process of translation into the “primitive language of that naïve political anthropology”, so too Cortés' anthropological pessimism is the result of a product of translating the initially clouded and ambivalent anthropology of the Abbé into the reality of concrete politics. This does not mean that there is no dichotomy, nor that Cortés' thought is not chained to the immanent, agonistic concrete political reality, nor that Cortés' did not propose a radically pessimistic anthropology. What it means is that the relationship between Cortés and the Abbé cannot be reduced to a simple dichotomy between the dogmatic position of Gaduel and the agonistic position of Cortés.

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determined categories of the individual and the state. That Branco is concerned not with the human as a category, but rather with the human being becomes clear when one notes his use of the term “**empirical** [emphasis – N.H.]” individuals (p. 102). It is of further interest to note that Branco makes clear the often overlooked point that Schmitt introduces the state, not as a means of destroying the individual, but of mediating its existence, elevating it to a level of existence which can escape the absolutely ungrounded, formless nature of modern individualism, manifest in the idea of personal religion and personal ethics. The work on which Branco draws is, after all, *Der Wert des Staates und die Bedeutung des Einzelnen*, the very title of which makes clear that Schmitt wants to identify a “value” of the state, that is, a value for the individual; this early text is not only not an attempt to eliminate the individual, which “finds its higher meaning in the state”, but one might say a mere functionalization of the state in the service of the individual's search for meaning.

<sup>467</sup> Castelo Branco, Pedro Hermílio Villas Bôas. *Säkularisierung*, p. 102.

<sup>468</sup> Schmitt, Carl. *BdP*, p. 56.

Instead we must develop a way of understanding Schmitt's approach to anthropology which is capable of simultaneously accounting for the difference, while also in some way resolving this dichotomy. This ambivalently agonistic and dogmatic moment is contained within the act of “concision”, the attempt to realize the ambivalent Tridentine dogma, under the contingencies of this world.

For the purposes of this study we will not enter into further definition of this act of “concision”<sup>469</sup>. More important is that we have identified the position of Cortés as one caught between the two extremes of dogma and agony. This middle position reveals a structure analogous to that of the technical-economic/romantic division, between a detachedly reductionist normativism and an incalculably occasionalist subjectivism, the context in which we first elaborated on Schmitt's concept of a particularly human rationality. It is, therefore, strongly suggested that Cortés' anthropological pessimism is, while pessimistic, nonetheless itself a product of this particularly human rationality in its juristic will to differentiated form. While the text immanent nature of this study means that we are not, ultimately, interested in determining whether Schmitt's reading of Cortés was correct, it is, in this context, of great interest for us to note that, in his *Investigation of Donoso Cortes' Importance for the Philosophy of the State and Law in Carl Schmitt's work*, Hernández Arias, despite more or less completely ignoring the relevance of the Tridentine in Schmitt's anthropological thought, nonetheless writes of Cortés that while “Donoso's pessimism appears at times fatalistic and at times insurmountable. [...] Nonetheless his will to fight against evil remains, in spite of his profoundly pessimistic stance, preserved”<sup>470</sup>. It may be even further noted that Hernández Arias sees in Cortés' insistence upon the doctrine of original sin the core of a theory of freedom (*Freiheitslehre*)<sup>471</sup>. The fundamental relationship between Schmitt's open anthropology and human freedom will return as a major motif when we look more closely at Schmitt's philosophy of history in chapter 3.

The centrality of this act of concision raises the question of the substantive relationship between Abbé and Cortés, that is, of the concrete dogma which Schmitt sees made more concise in Cortés thought. At first glance it may appear a question with a simple

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<sup>469</sup> Of interest would be, in particular, a correlation of this act of “concision” with the act of “radicalization” which underlies Cortés' relationship to the doctrine of original sin (*PT*, p. 62).

<sup>470</sup> Hernández Arias, José Rafael. *Donoso Cortés und Carl Schmitt. Eine Untersuchung über die staats- und rechtsphilosophische Bedeutung von Donoso Cortés im Werk Carl Schmitts*, Paderborn: Ferdinand Schöningh 1998, p. 74.

<sup>471</sup> Hernández Arias, José Rafael. *Donoso Cortés und Carl Schmitt*: “If one does not accept the application of original sin, then one negates the dogma of salvation and the freedom of humanity. As Alois Dempf rightly emphasized, one could reduce Donoso's doctrine of freedom to one single paradox, namely, that there is only ‘true freedom in the political and the social if the human's own incapacity for absolute freedom is acknowledged’”, p. 71.

answer: Cortés politicizes the doctrine of original sin into a theory of man's evil nature. In reality the relationship is more complicated and a translation of original sin into the human being's evil nature more of a crude analogy than an act of concision. The true act of concision occurs not in that a dogma of an evil human being is translated into the political theory of an evil human being, but in that an ambivalent dogma, namely the Tridentine, which speaks of man's cloudedness, is revealed in its consequence for political life. Understanding that the Tridentine dogma and not an absolute doctrine of original sin is the true object of this act of concision sheds a different light on Schmitt's theory of the human being's evil nature. Rather, that is, than see the doctrine of original sin as Schmitt's theological justification for his own theory of an absolutely depraved human being, we must return to Schmitt's reference to Plessner, for whom the human being is above all an open question. Here, it seems to me, we find the connection between the doctrine of original sin and a theory of freedom, to which Hernández Arias has tried to point. The evil or, less polemically and more accurately, problematic nature of the human being is not a result of original sin, but of the human being's nature as an open question. The category of evil is in fact Schmitt's insistence upon the freedom of the human being. For, if we want to be able to speak of the freedom of the human being we must also be ready to speak of the freedom to do evil. A freedom without the possibility of evil is not freedom in the full sense of the word.

We began this chapter by returning to the passage in *Political Theology* in which Schmitt seems to draw a dichotomy between the Abbé and Cortés and we did so in order to point out that the anthropological position of Cortés, understood in its agonistic perspective, represents not so much an extreme as a position between the Abbé and Lutheran dogma. By now, however, it should have become clear that Cortés does not so much stand in opposition to the Abbé as he represents an application of the Abbé's dogmatic position and that the two are connected in their shared employment of a particularly human, juristic and therefore Roman rationality, that Cortés and the Abbé are actually bound to one another by this kind of rationality and that both stand in opposition to the Lutheran dogma. If, however, we keep in mind the possibility of a dichotomy between positive and negative anthropologies, then the consequence of this realignment is the revelation of yet another, fourth, anthropological position, by means of which it becomes clear that the Abbé and Cortés actually form a middle position between the absolute pessimism of Lutheran dogma and an absolute anthropological optimism. In order to maintain the symmetry of the anthropological dichotomy, we must be able to account for a position as absolutely optimistic and therefore opposed to political authority as the Lutheran dogma is absolutely pessimistic and therefore

politically subservient.

An obvious candidate for such anthropological optimism is, with its fundamentally economic thought, political liberalism.: “For liberals, on the other hand, the goodness of man is nothing more than an argument, with the help of which the state is put in service of ‘society’ and says, therefore, only that ‘society’ contains its own order and that the state is only its subordinate, bound to precise limitations and watched suspiciously”<sup>472</sup>. And yet, “bourgeoisie liberalism was never radical in a political sense”<sup>473</sup>. For, as Schmitt makes clear in *Roman Catholicism*, not only bourgeoisie liberalism, but even Marxist socialism always retained its political ambivalence in so far as, though arguing for man's “good” nature, it never really assumed that all human beings were good. In order to make this point Schmitt points to the identification of the *Lumpenproletariat*:

Social thinking in all its manifestations is related in some way to this remarkable mixture called “Lumpenproletariat”, it is a “proletariat”, but to it belong also the bohemian of the bourgeoisie age, the Christian beggar, and all insulted and injured [...] When Marx and Engels are at pains to distinguish their true proletariat from this “rotten” rabble, they betray how strongly they are still influenced by traditional moral and western European conceptions of education<sup>474</sup>.

Thus, not liberalism, it turns out, but Soviet anarchism is the truly political form of anthropological optimism and ultimate target of Schmitt's thought. For, while Marx and Engels are, in spite of their fundamental materialism, intent upon retaining an authoritarian moment or, as Schmitt writes elsewhere, “moral pathos”<sup>475</sup> of rule over the “‘rotten’ rabble”, Bakunin has the “fabulous courage” to break down this last barrier and with it all authority:

The flower of the proletariat is, for me [Bakunin], precisely that great mass, the millions of uncivilized, disinherited, the miserable and the illiterate which Mr. Engels and Mr. Marx would like to submit to the patriarchic rule of a strong government. The flower of the proletariat is for me precisely that eternal cannon fodder of the governments, that great canaille which is still almost untouched by the bourgeois civilization and which carries within itself all the seeds of the socialism of the future<sup>476</sup>.

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<sup>472</sup> Schmitt, Carl. *BdP*, p. 56.

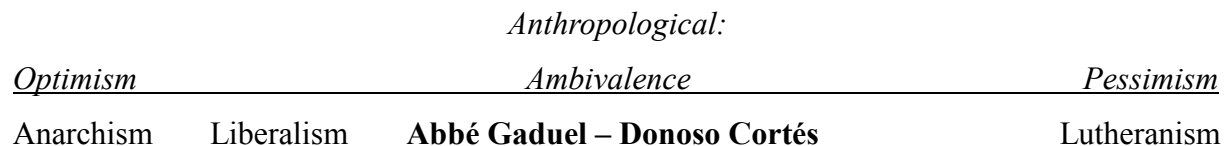
<sup>473</sup> Schmitt, Carl. *BdP*, p. 57

<sup>474</sup> Schmitt, Carl. *RC*, p. 37.

<sup>475</sup> Schmitt, Carl. *Parlamentarismus*, p. 73: “In spite of some turns of speech like ‘iron necessity’, Marx does not calculate the coming state of affairs [*kommende Dinge*] like an astronomer calculates future stellar constellations; but he is also not a Jewish prophet who prophesizes coming catastrophes, as a psychologistic journalism would like to portray him. That a strong moral pathos is alive in him and influences his argumentation and mode of portrayal is not difficult to recognize”.

<sup>476</sup> Schmitt, Carl. *RK*, p. 63: translation – N.H..

It is the strange theoretical achievement of this so apparently anti-liberal text, *Roman Catholicism*, from this so apparently anti-liberal thinker, to have argued that, in spite of their extreme antagonism, the Church and, both liberalism as well as Marxist socialism are actually partners, products of the Occident, both founded upon the friend-enemy distinction, drawn, in this case, along the lines of the “antithesis of education”<sup>477</sup>. It is only in this way that we can grasp why the last lines of this text read: “And here I believe: in that preliminary battle with Bakunin, the Catholic Church and the Catholic concept of humanity stood on the side of the idea and Western European civilization, closer to Mazzini than to the atheistic socialism of the Russian anarchist”<sup>478</sup> as well as why the closing lines of *Political Theology* are also directed against Bakunin and not political liberalism<sup>479</sup>. Schmitt, the arch-enemy of liberalism wants to affirm the relative proximity of the Church with liberalism, their ultimately common, even if extremely diluted in liberalism, belief in a “concept of humanity” (*Humanität*)<sup>480</sup>. In a certain sense, it seems, Schmitt wants to avoid making the same error which he ascribes to Donoso Cortés' who, blinded by the situation of his day, failed to see that his polemic against liberalism was actually directed towards an ally<sup>481</sup>. The results of this realignment can be illustrated by the following diagram of anthropologies:



The concept of the human plays a two-fold role in this construction. Firstly, it is, beyond the optimistic-pessimistic divide, the ultimate criteria by which Schmitt differentiates not only between anarchism and Catholicism, but even between anarchism and Marxism.

<sup>477</sup> The invocation of the *Bildungsgegensatz* here is not the first time we have encountered an emphasis on education in Schmitt's texts. Indeed, as we have already noted, the question of educatability is mentioned in the seventh chapter of *The Concept of the Political* when Schmitt writes that “A pedagogue will, out of methodological necessity, consider the human being to be educable and trainable” (*BdP*, p. 59).

<sup>478</sup> Schmitt, Carl. *RC*, p. 39; *RK*, p. 65: modified – N.H..

<sup>479</sup> The closing lines of *Political Theology*, which we have already cited in part, read: “Donoso was convinced that the moment of the last battle had come; in the face of radical evil there is only dictatorship and in such a moment the legitimistic thought of hereditary succession becomes empty dogmatism [*Rechthaberei*]. Thus the oppositions of authority and anarchy were able to enter into opposition with one another in absolute decisiveness and form said antithesis; naturally this radical antithesis forces [the anarchist] to decide against the decision decisively; and for the greatest anarchist, Bakunin, there results the strange paradox that, theoretically, he had to become the theologian of the anti-theological and, practically, the dictator of an anti-dictatorship” (*PT*, pp. 69-70).

<sup>480</sup> See, for a review of Schmitt's work from a Catholic perspective during the Weimar period: Hefele, Hermann. *Zum Problem einer Politik aus dem katholischen Glauben*, pp. 195-97 in: *Abendland: deutsche Monatshefte für europäische Kultur, Politik und Wirtschaft* (April 1927).

<sup>481</sup> Schmitt, Carl. *DCGI*, p. 76.



Secondly, however, it is also the criteria by which Schmitt differentiates between Donoso Cortes and Lutheranism which, also pessimistic, sacrifices any concept of autonomy and thus misses the fundamentally human moment of a tension between the dogmatic and the agonistic. The central concept along which Schmitt constructs his anthropological reflections is that of the human in its humanity. The concept of the human which we have tried to draw out of Schmitt's thought, examining it for its structure and explicative power is that ambivalent plane on which the human affair is played out: too agonistic and blinded, too deeply embedded in the contingency of this world to ever gain a moment of respite in which a truly objective and dogmatic position might be formulated and, nonetheless, yet in possession of a will to elevation above the material, to belief in civilization, spirit and education, transcendence and the idea.

### 2.3. Political Thought

With his reflections on the interpretive positions proper to anthropological optimism and pessimism Schmitt sought to delineate not merely a necessary presupposition of political thought nor only the character of self-aware political activity, but to explicate why the political cannot simply be observed but is, rather, accessible only to a particular mode of apprehension. This mode is what we will refer to as political thought<sup>482</sup>. What the following reflections on Schmitt's notion of political thought intend to make clear is that this particular lens of political thought is, like Schmitt's anthropological reflections, characterized by its occupation of a middle ground between the dogmatic and the agonistic. Thus we begin our investigation by examining the way in which Schmitt differentiates and literally distances his concept of political thought from the agonistic perspective of an engaged political agent.

In an endnote to the 1963 third edition of *The Concept of the Political*, Schmitt makes clear the difference between being political and apprehending a concept of the political. He writes: "Whoever battles an absolute enemy – be it a class, race, or atemporal eternal enemy – is not in any way interested in our concern for the criteria of the political"<sup>483</sup>. Schmitt goes on to express this difference between being political and explicating a concept of the political when he writes of the friend-enemy difference, so symbolic of the pessimistic reading of Schmitt's anthropology, that: "The autonomy of our criteria has a practical didactic purpose:

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<sup>482</sup> The term 'political thought' is used by Schmitt in *BdP*, when he writes that "The worst confusions arise when concepts like law and peace are used politically in such a way as to hinder clear political thought [*politisches Denken*], legitimize one's own political efforts and disqualify or demoralize the opponent" (p. 61f.). See also: *BdP*, p. 56: "Hegels sentence about the transformation of the quantity is **only comprehensible as political thought**": emphasis – N.H..

<sup>483</sup> Schmitt, Carl. *BdP*, p. 109.

clearing the way to the phenomenon [of the political] and escaping the many preconceived categories and distinctions, interpretations and valuations, assumptions and appropriations which control this path and only recognize their own visa”<sup>484</sup>. This clearing of the way to the phenomenon of the political is the central theoretical concern of *The Concept of the Political*, in which Schmitt opens his reflections by differentiating between between ‘mere’ politics (*Politik*) and “the essence of the political” as such (*das Politische*)<sup>485</sup>. He wants to show that the political is not merely one sphere of human activity among others, i.e. as politics (*Politik*) but as the sphere of human activity par excellence<sup>486</sup> and, in order to do so, to show that the political is not defined by the sphere of state activity but, rather, that “The concept of the state presupposes the concept of the political”<sup>487</sup>.

One seldom finds a clear definition of the political. Usually the word is used only negatively as the opposition to various other concepts, in antithesis like politics and economy, politics and morality, politics and law and, then within law, politics and civil law etc. [...] In general “political” is equated in some way with “stately” or at least related to the state. Then the state appears as something political, the political, however, as something stately – an obviously unsatisfying circle<sup>488</sup>.

In order, however, to understand the political as such, that is, to grasp the political (*das Politische*), Schmitt must adopt an ‘impartial’ position from which the phenomenon of the political itself can be grasped. This leads him to consider the friend-enemy distinction so apparently central for his anthropological pessimism and it does so out of an argumentative functional necessity, not out of the desire to determine the nature of the human being as such. As Schmitt writes:

The distinction between friend and enemy has the purpose of indicating the most extreme degree of intensity of a connection or separation, an association or a dissociation [...] The political enemy need not be morally evil, it need not be aesthetically ugly; it need not appear as an economic competitor and it can perhaps even appear advantageous to do business with it. It is simply the other, the stranger, and it is sufficient for its essence that it is existentially something different and strange in a particularly intense way such that conflicts are possible with it in an extreme case<sup>489</sup>.

While Schmitt therefore suggest what the enemy can or cannot be, the question of what

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<sup>484</sup> Schmitt, Carl. *BdP*, p. 109.

<sup>485</sup> *BdP*, p. 19; cf. Schmitt, Carl. *Politik* (1936), pp. 133-138 in: *SGN*.

<sup>486</sup> Schmitt, Carl. *BdP*, pp. 35-36.

<sup>487</sup> Schmitt, Carl. *BdP*, p. 19.

<sup>488</sup> Schmitt, Carl. *BdP*, pp. 19-20.

<sup>489</sup> Schmitt, Carl. *BdP*, p. 26.

Schmitt means with the formulation “existentially something different and strange in a particularly intense way” remains essentially open. To press Schmitt too strongly for an answer here would represent a fundamental misunderstanding of his intention, since to do so would contradict the expressed purpose of Schmitt's attempt to define the political in its most original and neutral form, common to all political agents. It is, least of all, proof of Schmitt's xenophobia. If we continue to read the endnote to these pages, in which Schmitt has begun to explain his methodological motivation, we begin to see the rift develop even further between Schmitt's attempt to define the concept of the political and the political as seen from the viewpoint of those “existential” participants in the political themselves. There Schmitt writes that a participant in the political, thus incapable of admitting such relativization, suspects Schmitt's concerns for the criteria of the political as “an endangerment of its immediate combative strength (*Kampfkraft*), a weakening by reflection, Hamletization”<sup>490</sup>. Indeed, Schmitt not only suggests that the intention of his study renders it incapable of providing any concrete criteria, he suggests that, conversely, the existentially active political agent views precisely such speculation with suspicion. More specifically he suggests that existentially active political participants see in his reflections the danger of becoming “hamletized”, paralyzed by self-reflection, transformed from a partisan convinced of its cause into a melancholy prince. Whoever has been gripped by the existential reality of the political cannot afford to enter into speculative, sociologically oriented consideration of what it means for one to have an enemy, because such a distance would quickly reveal this agent's essentially relative position amongst other political agents, all of which lay claim to an equally absolute yet ungrounded truth, as, in other words, pretention. What the active political agent fears is, as Schmitt wrote citing Trotsky in *The Crisis of Parliamentary Democracy*, that “in the awareness of relativities [...] one does not find the courage to apply violence and to spill blood”<sup>491</sup>.

At the same time, Schmitt's concept of the political is also oriented against precisely the kind of neutralization of the political which such a perspective might seem to engender. Thus, while Schmitt's analysis of the political has the expressed goal of clearing the way for an understanding of the political free from the partisan, “personal visa” (*eigenes Visum*) of any specific political agent, his very approach is dependent upon the presence of this active political agent to fill in the contents of the friend-enemy distinction. The contents of the friend-enemy distinction, that is, the concrete groups to which it is applied, “can be decided neither by a general norm made in advance, nor by the ruling of an ‘disinterested’ and

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<sup>490</sup> Schmitt, Carl. *BdP*, p. 109.

<sup>491</sup> Schmitt, Carl. *Parlamentarismus*, p. 77.

therefore ‘impartial third party’. Moreover, not only opposed to a distanced objectivist view of the political, “The possibility of correct recognition and understanding, and therefore of the right to have a say and to judge, is only given in the act of existential participation and partaking”<sup>492</sup>. While Schmitt's **concept** of the political must abstract from the position of the individual political agent in order to attain its status as a concept, it remains an insistence upon the existential meaning of enmity in which the “incapacity for or unwillingness to make this distinction” between friend and enemy is a sign of the end of the political. Schmitt's concept of the political, abstracted and aware of each political agent's ultimately only relative truth as it is, cannot be understood by those who would take this plurality of truth claims to mean that they should not be taken seriously in their own right. Schmitt makes this clear when, in the same endnote in which he has revealed the political agent's suspicion of his considerations, he goes on to write that, “Conversely, the disarming neutralizations turn the enemy into a mere partner and condemn our insight into a tangible reality as war hawking, Machiavellianism, Manichaeism and – today unavoidably – nihilism”<sup>493</sup>. He thus criticizes the “stale alternatives of the traditional faculties and their disciplines”, in which “friend and enemy are either demonized or normativized, or shifted into the value-philosophical polarity of worth and non-worth [*Wert und Unwert*]”<sup>494</sup>. Such attempts to neutralize the concept of the enemy forget that the political remains an existential affair which involves real people, their values and convictions: “The concepts of friend and enemy are to be taken in their concrete, existential meaning, not as metaphors or symbols”<sup>495</sup>.

The key to understanding Schmitt's concept of the political lies therein that we grasp the position from which it becomes possible to conceive of the political. It is therefore essential that we not align Schmitt entirely with one of these sides. Instead we must see Schmitt's observations as positioned between a political agent too deeply entrenched in the play to be aware of its tragedy and a systematic theory too detached to understand the concrete reality of the political agent.

This methodological approach is described by Schmitt in other terms in the foreword to the 1963 edition of *Concept of the Political* when he writes that “The age of systems is gone. Three-hundred years ago, when the epoch of European statehood began its great ascent, glorious systems of thought came into being. Today it is no longer possible to build in such a way”, with which he distances himself from the rationalist, systematic view of the political

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<sup>492</sup> Schmitt, Carl. *BdP*, p. 26.

<sup>493</sup> Schmitt, Carl. *BdP*, p. 109.

<sup>494</sup> Schmitt, Carl. *BdP*, p. 109.

<sup>495</sup> Schmitt, Carl. *BdP*, p. 27.

while at the same time recognizing that “The other, opposing possibility would be the leap into the aphorism” which is, for him, “as jurist not possible”<sup>496</sup>. The conclusion at which Schmitt arrives is summed up pointedly: “In the dilemma between system and aphorism there remains only one way out: keeping the phenomenon in sight and testing the continuously new questions of continuously new, tumultuous situations for their criteria”: “The reflection upon such a challenge must not be allowed to stop and the attempt at an answer must be pursued”<sup>497</sup>.

The position adopted by Schmitt's observations about the political is at once distanced enough from the political to grasp the tragic impossibility of either side ever having a truly absolute claim to truth while at the same time close enough to the political to take these claims seriously and to understand them in their reality for the participants in the political. Schmitt intends the idea of political thought as a position in which it is possible to perceive the “correct insight that it is precisely the beliefs regarding the true, good and just, present on both sides, which cause the most terrible enmities and ultimately also the ‘*Bellum*’ of all against all”<sup>498</sup>. What political thought has, which polemic thought does not, is a strange distance to the events taking place. It is only from this distance that the ultimately equal validity of both sides can be grasped. Doing justice to and taking seriously, without “demonizing or neutralizing” their claims is the hermeneutical attempt of Schmitt's concept of the political and the mode of thought to which he gives the name “political thought”.

This political thought is defined by a difficult middle position in which it apprehends what is visible from no other position, namely, that it belongs to the nature of the political that wars are waged between two sides equally convinced of their moral rectitude<sup>499</sup>.

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<sup>496</sup> Schmitt, Carl. *BdP*, p. 16.

<sup>497</sup> Schmitt, Carl. *BdP*, p. 16.

<sup>498</sup> Schmitt, Carl. *BdP*, p. 60.

<sup>499</sup> Interestingly, Julien Benda notes in *The Treason of the Intellectuals (La trahison des Clercs)*, that this doctrine is promoted by the modern Catholic Church, **in contrast** to its traditional Thomistic doctrine of just war, identifying in this development a dangerous politicization of the Church's doctrine. In *The Age of Neutralizations and Depoliticizations* Schmitt writes, in probable reference (See the foreword to the English translation of *Concept of the Political*, p. xxix) to Benda's work, “to this day no one has been able to construct a societal order lead by technicians in a way other than the construction of a leader- and directionless society. Even Georges Sorel did not remain an engineer but became an *intellectual* (Clerc)”. This is both a rebuttal to and inversion of Benda's very thesis which is that the “treason” of the intellectuals lies in their politicization of thought and betrayal of theory in favor of a focus on the “practical” and an existentialist life philosophy. Schmitt's very argument in *The Concept of the Political* seems to both be a perfect illustration of such a betrayal in that it polemicizes against the idea of an abstract systematic thought while at the same time doing so in the very name of objectivity. Thus, when Schmitt references Sorel, whose endorsement of violence (*Réflexions sur la violence*) Schmitt analyzed in *Die geistesgeschichtliche Lage des Parlamentarismus*, he intends to show that even a socialist thinker such as Sorel who should, theoretically, as socialist, adhere to economic thought and therefore to the denial of authority, in reality betrays this position when, in his very endorsement of violence, that is, in his endorsement of laying claim to the possession of truth, he is forced to adopt the role of a leading or directing class.

Here, political thought is simply irrefutable in the autonomy and closedness of its sphere - for it is always concrete groups of people who fight against one another in the name of 'law' or 'humanity' or 'order' or 'peace' – and, even when criticized as immoral and cynical, the observer of political phenomena can, if it remains true to its political thought, only see a political instrument of concrete fighting human beings<sup>500</sup>.

What Schmitt designates with political thought is not, as might be suggested by interpreters who see Schmitt's *Concept of the Political* as nothing but warhawking and mere polemic. Indeed, it is precisely a mere polemic thought which Schmitt means to describe as the inability to perceive the possible rightness of an argument beyond one's "personal visa"<sup>501</sup>. Political thought differentiates itself from such polemic thought because it keeps its distance<sup>502</sup>. Thus, Schmitt writes that "The worst kind of confusion arises when concepts such as law and peace are used politically in such away as to hinder clear political thought, to legitimize one's own political efforts and to disqualify or demoralize the opponent"<sup>503</sup>. Political thought is the distance from which it becomes possible to grasp the fact that politics takes place between two parties convinced of their moral rectitude and their service of justice and the good. The truth claims of both parties thus recognized and yet relativized in the co-existence of their claims to moral rightness, political thought remains distanced enough not to take offense at but rather recognize the criticism of its supposed immorality and cynicism as the political weaponry of an opponent equally invested in destroying and disqualifying its enemy. The identification of such political activity is only possible from the distance of an interpretive middle position. It is the position of an "observer" (*Betrachter*) impartial enough to recognize both sides in the terms of their own logic and that means to take seriously both at once. It is the position from which the political is revealed in that particularly baroque sense as *theatrum mundi*.

#### **2.4. *Selbstbewusstsein* and the Human**

In analyzing the concept of political thought we have been trying to reveal the interpretive lens necessary for the political to become visible as a phenomenon. The making visible of the political is, however, only one, albeit supremely important, aspect of the relationship between the political and the human. For, if this relationship regards the extent to which the human is constitutive for observation and interpretation of the political, then what we now want to show

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<sup>500</sup> Schmitt, Carl. *BdP*, p. 62.

<sup>501</sup> Schmitt, Carl. *BdP*, p. 109.

<sup>502</sup> Schmitt, Carl. *BdP*, p. 60.

<sup>503</sup> Schmitt, Carl. *BdP*, p. 61.

is that the interpretive dependence of the political upon a human rationality is itself a consequence of the political's substantively human nature, that is, the way in which true political action always occurs on the plane of the human. In order to reveal this human nature of the political we now return to Donoso Cortés.

Donoso Cortés' exemplification of the human not only as an interpreter of the political, but as a political agent as well, manifests itself clearly when we turn our attention to what Schmitt refers to as Cortés' "self-awareness". For it is this "self-awareness" with which Schmitt seeks to differentiate Cortés' thought from a Lutheran dogmatic anthropological pessimism and to reveal not only its occupation of an agonistic-dogmatic middle position (2.4.1) but also that of a true political agent. Just, that is, as Lutheranism's dogmatic pessimism prevents it from being able to truly grasp the political as the sphere of autonomy, so too its lack of a "self-aware stature" prevents it from being what we will see is a truly political and this means human agent. Having established the way in which we want to analyze Schmitt's use of the term "self-aware" (*selbstbewusst*) we then further develop the conception of the human by describing the nature of Cortés' "self-aware stature" (*selbstbewußte gröÙe*) in terms of three of its aspects: its orientation towards political autonomy, its secularity and its nature as pretension (2.4.2).

#### 2.4.1. Donoso Cortés' "*selbstbewußte GröÙe*"

The relationship between Schmitt's anthropology and the concept of self-consciousness (*Selbstbewußtsein*), in particular in its relationship to Hegel's use of the term, has been investigated by Friedrich Balke in his insightful essay *To the Political Anthropology of Carl Schmitt*<sup>504</sup>. In this essay Balke seeks to show that "Essentially, the 'Concept of the Political' aims to describe the *genesis of self-consciousness as a political act*"<sup>505</sup>. Balke's primary concern in this essay is to reveal the overly static nature of anthropological studies which focus on the seventh chapter of *Concept of the Political*. Instead he argues that Schmitt's most fundamental theory of political anthropology lies in his desire to describe the nature of the political as a higher, fuller mode of existence, achieved in becoming active: man cannot "be a *being [Seiendes]*, that merely *is* [...] The human becomes aware of itself only in that moment in which it senses a desire for something which spurs it to action"<sup>506</sup>. Thus, self-awareness is not the given state of human existence but, on the contrary, still to be achieved or, as Kojève

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<sup>504</sup> Balke's interacts, generally via Kojève, with the chapter *Herrschaft und Knechtschaft* in Hegel's *Phenomenology of the Spirit*.

<sup>505</sup> Balke, Friedrich. *Anthropologie*, p. 54.

<sup>506</sup> Balke, Friedrich. *Anthropologie*, p. 59.

(on whom Balke draws heavily) writes “Man *is* only in so far as he *becomes*; his true *being* is *becoming*, *time*, *history* and he *becomes*, he *is* history only in the *action* and through the *action* which negates the given in the action of the struggle and of work”<sup>507</sup>. Balke seeks to show that, just as Hegel's concept of self-awareness is dependent upon the idea of a struggle for acknowledgment, of a “*struggle for prestige*” (*Prestigekampf*)<sup>508</sup>, so Schmitt's concept of the political is characterized by a world in which there exists a “*Plurality* of competing desires for general recognition of their own superiority over all others” which “necessarily leads to the search for a decision in a *struggle for life and death*”<sup>509</sup>. “*Political*, in the Schmittian sense of the term” Balke writes, “is the person who puts his life on the line in a struggle for recognition, in a pure struggle for prestige”<sup>510</sup>. Despite the great value of Balke's essay as a critique of research done on Schmitt's anthropological thought, his reading seems to me to go awry in the amount of value he places on the moment of action, as well as in that his notion of action is more or less limited to military action.

Of further importance for this study of the human is that the focus of Balke's study remains the concrete human being and not the category of the human as a quality. The difference which such a consideration makes can be illustrated if we consider that Balke's analysis is the attempt to answer the question of Schmitt's political anthropology as a question of the “(equally individual and collective) effects of subjectification of political friend-enemy groupings” (p. 54). As an analysis of the *Subjektivierungseffekten*, that is, as an analysis of how the friend-enemy distinction is not only the criteria of the political but a constitutive moment for human subjectivity, the study remains, in the tradition of political existentialist interpretations, an attempt to determine the nature of the “human being” as a subjectivity<sup>511</sup>.

In discussing the idea of self-awareness it is important that we make clear the field of

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<sup>507</sup> Kojève, Alexandre. *Hegel. Kommentar zur Phänomenologie des Geistes*, Frankfurt a.M.: Suhrkamp 1975, p. 56.

<sup>508</sup> Balke, Friedrich. *Anthropologie*, p. 60.

<sup>509</sup> Balke, Friedrich. *Anthropologie*, p. 59. In Balke's reading the competing desires seem to represent the “pluralism” of the world inhabited by states (*Staatenswelt*; *BdP*, p. 50). One could, however, also argue that the genesis of political unity towards which such an analogy between Hegel and Schmitt points is the birth of a political unity, that is, not yet in terms of the political pluralism of the *Staatenswelt*, but in terms of the “decisive unity”, that is, the particular identity which has achieved an *Intensitätsgrad* capable of decisively bringing people together. One might therefore see the competing desires not only as the states which battle against each other but as the various domestic tendencies which vie for power and the capacity to define the unity of the state in the first place: “The political unity is precisely according to its essence the decisive unity, regardless of which forces it draws its ultimate psychological motives from. It exists or it does not exist. If it exists it is the highest, that is, in the decisive case, determinant unity” (*BdP*, p. 41), the political idea which has succeeded in being recognized, as manifest in the existence of the political unity, as the decisive identity of a group of people. The reason for introducing this intra-stately reading is not, however, to negate Balke's predominantly inter-stately reading. The fact that these two should not only exist side by side but that they are, in fact, complementary, becomes clear once one examines the expansion of the concept of war, from the inter-stately to include the intra-stately, as Schmitt presents it on pages 43-44 of *The Concept of the Political*.

<sup>510</sup> Balke, Friedrich. *Anthropologie*, p. 60.

<sup>511</sup> Cf. above, Intr.2.



discourse in which the following discussion takes place, namely, not as an epistemological theory in a strict sense. For, while an explication of Schmitt's use of this term in strictly 'theoretical' terms is possible and might, for certain discourses prove fruitful, it is neither necessary for this discussion nor does it capture the full effect of a more 'aesthetic' reflection on the word *Selbstbewusstsein's* various meanings. The term "*selbstbewusst*" is the adjectival form of the substantive "*Selbstbewusstsein*", a term plagued by difficulties in translation. Literally "self-conscious", *Selbstbewusstsein* is generally translated in non-philosophical contexts, not only in English but also in the romance languages as "consciousness", a problematic translation not only because it omits the reflexive reference to the "self" (*selbst*), but also because the term "consciousness" is already obviously occupied by simple "*Bewusstsein*". As a more adequate translation I suggest the term "self-awareness" because it avoids the problems posed by the term "self-conscious" which would seem to imply a lack of certainty or nervousness. Translating "*Selbstbewusstsein*" as "self-awareness" has a particular advantage for our study which becomes clear when we consider that, in Schmitt's description of Cortés, we are not dealing with a translation of "*Selbstbewusstsein*", but of "*selbstbewusste Größe*", that is, with the adjectival form. Here it is important to make clear that, while the adjective *selbstbewusst* does have the literal meaning of possessing *Selbstbewusstsein*, that is, of being conscious of oneself, it has a second meaning which, untranslatable, can best be circumscribed with words like "certainty", "arrogance", "confidence" or "sovereign". Rather than working out the structure of self-consciousness, it is important to note that what Schmitt wants to describe in this passage and what is most relevant for understanding the anthropological importance of Cortés' – differentiated from Luther's dogmatic subservience most of all by this "*selbstbewusste Größe*" – is the moment of being at once aware of one's relative position and yet in possession of a certainty, an arrogance, a confidence. We are dealing not with an analysis of self-consciousness but with a matter of posture (*Haltung*).

#### **2.4.2. The autonomy of "a spiritual descendent of Grand Inquisitors"**

In order that it become clearer what such a posture can mean and how it might look we should consider that Cortés' "self-aware stature" is qualified by Schmitt as that of "a spiritual descendent of Grand Inquisitors". This passing reference to the Grand Inquisitor can be clarified if we turn to *Roman Catholicism*, in which Schmitt reinterprets the tale of the Grand Inquisitor as told by Illyosha in Dostoyevski's *The Brother's Karamazov*<sup>512</sup>: "Dostoyevsky's

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<sup>512</sup> The importance of the Grand Inquisitor as a figure in Schmitt's thought has been emphasized extensively in Adolf Mutschbacher's work *Katechon oder Großinquisitor - Eine Studie zu Inhalt und Struktur der Politischen Theologie Carl Schmitts*, Marburg: Tectum 2000. For an interesting survey of the Grand

Grand Inquisitor confesses he has succumbed to the wiles of Satan with complete consciousness, because he knows that man is by nature evil and vile, a cowardly rebel who needs a master and because only the Roman priest finds the courage to take upon himself all the condemnation belonging to such power”<sup>513</sup>. As Schmitt sees it, while Dostoyevsky clearly intended to reveal the evil and inhumane nature of the Church, but actually revealed its deepest political nature, namely, the Church's understanding of itself as imperium<sup>514</sup>. It is, for a Grand Inquisitor, simply absurd to think that “Christ could appear (in experimental fashion, so to speak) one of many times between His historical existence and His glorious return on the Day of Judgment”<sup>515</sup>. The Grand Inquisitor lives in the belief that human beings live between the incarnation and the apocalypse, in a kind of interim, left by god to rule over themselves. The great pretension of Cortés and the Catholic Church is the belief that anyone could be responsible for this activity. What we want to emphasize in its importance for our concept of the human is that it is only in the realization of this absence in the interim that we can begin to lead an autonomous existence – an aspect of Schmitt’s thought which is undoubtedly responsible for many of the attempts to read him as a Nietzschean thinker<sup>516</sup>. Thus, while self-awareness implies a sense of certainty opposed to the English adjective self-conscious, there is still a certain sense in which the uncertainty and nervousness of “self-consciousness” should be kept in mind. The self-awareness of the Grand Inquisitor is, that is to say, a confidence and certainty in the knowledge of a fundamental unfoundedness of his position, a consciousness of his self so complete, for which reason Ulmen’s omission of the term “complete” (*in vollem Bewußtsein*<sup>517</sup>) is an error of particular import for this study, that it encompasses not only his belief but the, so to speak, infinite nothingness which surrounds his position and claim and which relativizes it to the level of a pretention, without which one could not speak of the Grand Inquisitor’s **complete** consciousness or self-awareness. It is not merely pretention, but aware of its nature as pretention. The point Schmitt wants to make is neither a neo-conservative geo-political argument for an caesarian government which rules over the ignorant masses unaware of the price at which their freedom and liberties are won, nor is it, as Dostoyevsky would have it, that the Grand Inquisitor has fallen into an absolute

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Inquisitor in various thinkers, including Schmitt, see: *Il grande Inquisitore: attualità e ricezione di una metafora assoluta*, ed. Renata Badii and Enrica Fabbri, Milano: Mimesis 2012.

<sup>513</sup> Schmitt, Carl. *RC*, p. 32; *RK*, p. 54; modified – N.H..

<sup>514</sup> Cf. Motschenbacher, Alfons. *Katechon oder Großinquisitor*, p. 332.

<sup>515</sup> Schmitt, Carl. *RC*, p. 32.

<sup>516</sup> See: Kaufmann, Matthias. *Recht ohne Regel*, p. 44 and p. 96 fn. 99. Of further interest is the central role which Mohler, who served as Jünger’s secretary from 1949-53, assigns to Nietzsche and, in particular, the idea of the eternal return in his study of the Conservative Revolution, but which he revises in Schmitt’s case; see: Mohler, Armin. *Carl Schmitt*, p. 131.

<sup>517</sup> Emphasis – N.H..

atheism, but rather that the Grand Inquisitor has grasped the meaning of political autonomy, the revelation of the interim in which human activity takes place.

Schmitt's concept of political autonomy can be further illustrated if we turn to his reflections on “the real possibility of a struggle”, “The struggle which must always be present as a real possibility in order that one can speak of politics”<sup>518</sup>. There are two reasons for which this possibility must exist. One has been addressed by scholarship which focuses on Schmitt's coordination of war and the serious case and “the real” (*Ernstfall*)<sup>519</sup>. Schmitt's argument for the possibility of war becomes the possibility of transcendence or 'reality' in its form as “concrete” life, reality. The other reason, on which our focus falls, is that the possibility of going to war, “the *jus belli*, that is, the real possibility of, if necessary, identifying and combating the enemy by the power of one's own decision”<sup>520</sup>, is part of Schmitt's concept of political autonomy<sup>521</sup>. The freedom to determine whether an enemy is present and, if so, who this enemy is, belongs to Schmitt's notion of sovereignty. Schmitt makes clear the relationship between sovereignty and the freedom to determine one's enemy when he writes that “a group of humans which wanted to forego this consequence of political unity would be no political group because it would forego the possibility to definitively decide who it views and treats as its enemy”<sup>522</sup>. Should a political entity not be capable of making such a decision it ultimately reveals itself as non-autonomous and therefore ceases to have a political character. When Schmitt insists that the uniquely political distinction is the distinction between friend and enemy, one should also note that this distinction is always dependent upon the decision about one's own values. What is of central importance here for our study of Schmitt's anthropology is not so much the friend-enemy distinction itself, but the implications it has, namely, the orientation of Schmitt's concept of the political towards a

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<sup>518</sup> Schmitt, Carl. *BdP*, p. 13.

<sup>519</sup> See, for example: Ojakangas, Mika. *A Philosophy of Concrete Life*, Bern: Peter Lang 2006, p. 63: “Only the exceptional can be conceived as essential, as real. For all of them [Schmitt, Arendt and Heidegger], the event is a real event if it is a ‘shock of a surprise’ – and existence without this shock, without the exceptional, is no existence at all. It is a mere abstraction, an illusion of the average man and a source of meaningless tyranny”.

<sup>520</sup> Schmitt, Carl. *BdP*, p. 42.

<sup>521</sup> Schmitt sees the freedom to go to war in its importance for a concept of national sovereignty endangered by a modern tendency, clearly expressed in the Kellogg-Briand pacts to consider war as such illegal, and to no longer recognize it as a “tool” (*Völkerrechtliche Großraumordnung: mit Interventionsverbot für raumfremde Mächte*, Berlin: Duncker & Humblot 1991, p. 37) of the nation in its political existence. The consequence of this suppression of war is, however, not the actual disappearance of war but only the anathemization of war and the legitimization of even greater wars against war and in the name of humanity; see thereto: Schmitt, Carl. *Die Wendung zum diskriminierenden Kriegsbegriff* (1938), Berlin: Duncker & Humblot 1988 pp. 21, 28-32 and 40; as well as *Die Raumrevolution: Durch den totalen Krieg zu einem totalen Frieden* (1940) pp. 388-394 in: *SGN*. The anathemization of war goes, for Schmitt, hand in hand with the elimination of the possibility of real neutrality, that is, the extent to which a third party has the right – if all wars of ‘aggression’ are crimes and must therefore, on the basis of inherent, universal justice, be combated – to remain neutral, that is, to retain its sovereignty.

<sup>522</sup> Schmitt, Carl. *BdP*, p. 45.

notion of political autonomy founded in the capacity to decide for oneself, towards a concept of political self-determination.

Juristically, this concept of autonomy and the right to identify one's enemy for oneself forms a central aspect of Schmitt's reading of international law as manifest in the *jus publicum europaeum*. In *The Nomos of the Earth*, Schmitt writes of "honorable men [Ehrenmänner]" – the honorable men are a metaphor for the modern European states – "capable of being satisfied, who arrange this new kind of war amongst themselves", namely, as the sub-chapter title states, "as relationship between equally sovereign persons". Already we are struck by the fact that Schmitt sees war as an affair carried out "amongst themselves", that is, without the presence of a third party or higher authority. His answer reads: "A decisive step towards this new dimension of the "state" and to the new inter-stately international law lay therein that the geographically closed power entities were represented as Persons. In this way they gained a quality which made an analogy between war and a duel meaningful"<sup>523</sup>. In effect, states must be autonomous entities for the same reason that a duel can only occur between two adults, never between an adult and a child. Schmitt then further describes these new states and their capacity to engage in 'duels', i.e. war, with one another, writing "Only now is it a legal subject and sovereign 'person' in form. [...] The new 'magni homines' are equal with one another [einander gleichberechtigt] and mutually recognize each other as such"<sup>524</sup>. States must, for Schmitt, possess political autonomy and it is only because of this autonomy that it is possible for them to coexist in "mutual recognition" of each other's autonomy and for them to not only wage war, but also enter into peace treaties with one another<sup>525</sup>.

Returning to *Political Theology*, Schmitt wants to suggest that, though both Lutheran dogma and Cortés are convinced of man's absolutely evil nature, Lutheranism results in the incapacity to determine the political enemy for oneself while Cortés' maintains his "self-aware

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<sup>523</sup> Schmitt, Carl. *Der Nomos der Erde (NdE)*, Köln: Greven 1950, pp. 115-116. See also: Schmitt, Carl. *Der Staat als Mechanismus bei Hobbes und Descartes* for a detailed analysis of the relationship between idea of modern states as "magni homines" and mechanistic thought.

<sup>524</sup> Schmitt, Carl. *NdE*, p. 117.

<sup>525</sup> Schmitt's discussions of the state as a "great man" seems to me a thus far unexplored dimension of the individual-sovereign and individual-state analogies which we have looked at while examining political existentialism. It would be very interesting to see how the same analogy, viewed through Schmitt's interpretation of the rise of the *jus publicum europaeum* could reveal significantly different, but intimately related categories, through which to understand the presence of this analogy. In particular, it might facilitate a more juristic interpretation of this analysis, with greater focus on Schmitt's concepts of the juristic person and, even more, on the sovereign as a "point of imputation", the German term for which, *Zurechnungspunkt* ("what a norm and what normative correctness is, is determined only from a point of imputation"; German original: "erst von einem *Zurechnungspunkt* aus bestimmt sich, was eine Norm und was normative Richtigkeit ist", *PT*, p. 38, cf. the "point of imputation" in Schmitt's interpretation of Kelsen; *PT*, pp. 26-27), would introduce the question of accountability or sanity.

stature”, his political autonomy. Cortés' political pessimism, in contrast to the Lutheran dogma, is capable of laying claim to the right to self-determination. In a certain sense, therefore, Schmitt is interested not so much in Donoso Cortés' anthropological claim but in the anthropology of Donoso Cortés himself, the fact that, as a descendant of Grand Inquisitor's he partakes in a culture of political autonomy, capable of undertaking the task of living in a secularized world, that is, a world in which human beings have been left unto themselves to arrange their existence in a meaningful way. The link between Schmitt's insistence upon the importance of political autonomy and the concept of the human lies therein that this arrangement of one's own existence requires a healthy human understanding, a particular rationality capable of existing without normative guidelines while, at the same time, not spiraling off into a relation of the fantastic. The autonomy which Donoso retains in his political awareness and will to self-sovereignty is his “self-aware stature”, his capacity and willingness to attempt the act of realizing dogma in an imperfect world through the exercise of his “so down to the last atom juristic” form of thought.

#### 2.4.2.1. Secularity

As our discussion of the Grand Inquisitor should have begun to make clear, Schmitt's concept of political autonomy is strongly connected to a concept of secularity. The decidedly secular character of Schmitt's thought and why Schmitt's concept of *Selbstbewusstsein* is only possible in a secular world, becomes clearer when we read in *Roman Catholicism* that “Only with an adherent of Russian orthodoxy, with Dostoyevsky in his portrayal of the Grand Inquisitor, does the anti-Roman dread appear once again as a secular force”<sup>526</sup>. Central here is that we not confuse Dostoyevsky with secularism, as if his intended critique of the Grand Inquisitor made him a secular thinker in contrast to the Grand Inquisitor's presumably ‘theological’ nature. Instead, we must grasp the concept of secularity in this point as the identification of a sphere of activity. Schmitt's concept of secularity is not a purely negative concept, that is, a godless product of modernity which Schmitt wants to merely critique. Instead, Schmitt conceives of secularity as a middle position characterized by both the absence of God as well as the nonetheless present moral obligation to exercise one's capacity for self-determination.

With the opening sentence of *Political Theology*'s third chapter: “All meaningful concepts of the modern theory of the state are secularized theological concepts”, Schmitt also implicates his own theory of sovereignty, in so far as it is the attempt to answer the tragic

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<sup>526</sup> Schmitt, Carl. *RC*, p. 3.

crisis of post-Reformation modernity, as one of these “secularized theological concepts”<sup>527</sup>. In fact, if we recall the relationship between the decision and anormativism, which we have addressed in our discussion of Löwith’s critique, as well as the constitutive role for the former on the part of the later, then it also becomes clear that secularity fulfills the same constitutive function for Schmitt’s concept of sovereignty. Schmitt’s concept is dependent upon its being positioned in a secularized world because, while Schmitt is certainly interested in finding the “specific categories” by means of which the concept of sovereignty can be sharpened beyond the all too abstract definition of sovereignty as “highest underived power”, this definition of sovereignty as “underived” is nonetheless essential. Schmitt’s concept of sovereignty is dependent upon his theory of secularity because it is only in a secular world that the conditions of a decision free of all normative basis, that is, free of all ‘otherworldly’ justification can emerge<sup>528</sup>.

Interestingly, the analogy between political sovereignty and moral (individual) autonomy and self-determination brings to light a way in which Schmitt’s political thought can be read in, or at least within the horizon of, a Kantian Enlightenment tradition. What it underscores is that a reading of Schmitt’s thought focused on his concept of the human can both alter our view of his thought as well as bring him into contact with discourses ostensibly foreign to his decisionism. It is a matter of, as Jürgen Habermas has put it, “the *political obstinacy* of the formation of this analogy [between democratic self-legislation and] moral autonomy”<sup>529</sup>. The relationship between Schmitt’s concept of self-awareness and secularity is a correlate of this study’s argument for the importance of autonomy in Schmitt’s thought as a

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<sup>527</sup> Schmitt, Carl. *PT*, p. 43.

<sup>528</sup> While Meier goes to great lengths in his work to make clear that Schmitt vehemently argues against the “innerworldliness” (*Diesseitigkeit*) of the modern world and while this is certainly very true, it seems to me nonetheless important to stress that Schmitt is also equally oriented in his argumentation against the ‘otherworldliness’ of liberalism and normativism, an otherworldliness which expresses itself in liberalism’s belief that the decision can be postponed. Schmitt’s ambivalent stance towards otherworldliness is mirrored in his equally ambivalent stance towards metaphysics, which he at times critiques as normativist escapism and at other times insists upon as the presence of an ultimate reality, a metaphysical core which no mere “system” will ever escape. Meier’s over-emphasis on the other-worldliness of Schmitt’s thought as an anti-this-worldliness seems to stem from a confusion between the importance of otherworldliness (*Jenseitigkeit*) and “transcendence”. What Meier overlooks, in other words is the possibility of innerworldly transcendence, the importance of which in early 20<sup>th</sup> century artistic thought has been well described by Charles Taylor in *Sources of the Self: The Making of Modern Identity* (Cambridge: Harvard University Press 1989) under the title “Epiphanies of Modernism” (pp. 456-493). Thus, in arguing for the fundamentally secular character of Schmitt’s thought I do not mean to suggest that Schmitt’s political theology is fully immanent in the sense that it has no contact to the divine, but rather to emphasize the fundamental abandonment of the modern, its inability to resort to norms, divine inspiration etc. which forms the foundation of Schmitt’s existentialism. Such an abandonment is not opposed to Maschke’s critique of an absolutely immanent reading of Schmitt’s thought but rather aims at the very “identity and difference” implied by the “analogically conceived relationship between theology and politics” (Maschke, Günter. *La Rappresentazione Cattolica*, p. 563). Rather, it means that the decision is the theological moment in which, in a world abandoned by God, the divine nonetheless breaks through.

<sup>529</sup> Habermas, Jürgen. *Zwischen Naturalismus und Religion*, Frankfurt a.M.: Suhrkamp 2009, p. 100.

matter of “self-legislation” in the deeply Kantian sense. For Kant the human being can only be considered truly autonomous when forced to make judgments on the basis of its reason free of both divine inspiration as well as moral commandment. A moral judgment based, not on the principle of 'universalizability' (act such that any other person could be subjected to the same rule), but upon an externally source, be it a Romantic's divine inspiration or a normativist's prescribed rule, fails to fulfill the original Greek meaning of autonomy as auto-nomos, self-law. Schmitt's concept of sovereignty as the model of a “self-assured stature” is, as a model of autonomy, not only necessarily a secular concept, it is a concept of secularity which has its existential-philosophical sources, perhaps more than in the oft cited Romantics, in Kant's moral philosophy. Thus, while Branco has clearly argued against the relationship between a Schmittian and a Kantian individual he has done so primarily by pointing to their differing views on the nature of and possibility of rational thought, that is, of the role of the intellect<sup>530</sup>. Branco's analysis is, in the context of its argument, certainly correct. The similarity between the two and relevance of Kant's thought for Schmitt's, which this study is suggesting as part of Schmitt's anthropological thought is located, however, at the level of a broader analysis. Rather, that is, than isolate the obvious difference between the two thinkers, as well as Schmitt's scattered critical interactions with Kant's thought, although primarily via Neo-Kantianism, it is important to keep in mind that both thinkers, in this very difference, are nonetheless interested in articulating a common concept, namely, autonomy, and that this autonomy is, in both cases, dependent upon the existence of the moral subject in a decidedly secularized world. This, it seems to me, is the reason for which Schmitt closes the essay *Der unbekannte Donoso Cortés* with the call: “It is indeed time that this exceptional and endearing human being be recognized as a significant figure of European intellectual history in its purity and grandeur and that we no longer remained fixated with the deficiencies and insufficiencies of his arguments, but rather with the rare phenomenon of a political intuition existing within secular horizons”<sup>531</sup>.

#### 2.4.2.2. Pretensions

The secular nature of Cortés' position, that is, the impossibility of restoring full contact with the divine, has the effect of ungrounding all claims to legitimacy, rendering all such claims fundamentally pretensions. Indeed, it becomes clear from Schmitt's discussion of Donoso Cortés in *Political Theology*, that Schmitt believes Donoso Cortés is aware of this:

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<sup>530</sup> Castelo Branco, Pedro Hermílio Villas Bôas. *Säkularisierung*, pp. 88-91.

<sup>531</sup> Schmitt, Carl. *DCGI*, p. 79.

It is therefore an event of immeasurable importance that one of the greatest representatives of decisionistic thought and a Catholic philosopher of the state who was aware of the metaphysical core of all politics with tremendous radicalism, Donoso Cortés, arrived, when faced with the revolution of 1848, at the insight that the epoch of royalism had ended. There is no more royalism because there are no more kings. There is, therefore, also no legitimacy in the traditional sense. Thus there remained for him only one conclusion: dictatorship. It is the conclusion to which Hobbes also came [...] *Autoritas, non veritas facit legem*<sup>532</sup>.

What Cortés' realized, in other words, is not only that “authority, not truth makes law”, but that this is the case because the link between authority and truth has also been severed.

In the absence of legitimacy any and all claims to a moral decision are rendered fundamentally pretensions. Thus Schmitt writes of the “pretensions” of the decision as well as of the pretention of the Church “to be more than the economic”<sup>533</sup>. What Schmitt wants to describe with his use of the term “pretension” is the fact that political existence is always in some sense ungrounded. Understanding that Schmitt believes we live in an age in which all claims to authority are fundamentally pretensions to authority is, however, not only important for understanding the relationship between Cortés and the Catholic Church, but for our understanding of Schmitt's anthropological thought as well. In the last paragraph of *Political Theology* Schmitt writes that: “All pretention of a decision must be evil for the anarchist because what is right happens automatically so long as one does not disturb the immanence of life with such pretentions”<sup>534</sup>.

Interesting here is that the decision is characterized by the anarchist as a pretention precisely for the fact that it “disturbs” the “immanence of life”, a formulation which appears in similar terms in *Roman Catholicism*, as the “guidance” or 'giving of direction' to life. What both Cortés and the Church share is the belief that this life is more than just 'nature', but rather, that it must be formed and shaped. We are reminded of Schmitt's critique of Sohm and defence of “mere” form over and above supposedly “more than mere” content. Therefore, for Schmitt, pretensions are not to be merely written off as vain and ungrounded, but must rather be recognized as the very substance of all political claims in this age. Indeed it is almost as if, taken to its logical conclusion, Schmitt wanted to suggest that politics, law at least in its modern, positivistic form, and civilization are fundamentally pretensions<sup>535</sup>.

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<sup>532</sup> Schmitt, Carl. *PT*, p. 55.

<sup>533</sup> Schmitt, Carl. *RC*, p. 17; *RK*, p. 29.

<sup>534</sup> Schmitt, Carl. *PT*, pp. 69-70.

<sup>535</sup> It is perhaps in this sense that Günter Maschke has emphasized the importance of the curtain in the image of the Leviathan found on the title page of Hobbes' work (*Complexio Oppositorum*, p. 262). Sovereignty is a curtain which does not so much resolve as it covers up problems. In the same vein, Schmitt writes in *Glossarium* (12.11.47) of Hobbes as the “true philosopher of the baroque” and the façade, of Hobbes



Pretention is the material of political existence. Thus Schmitt writes in *The Concept of the Political* of the “correct insight that it is precisely the beliefs regarding the true, good and just, present on both sides, which cause the most terrible enmities and ultimately also the ‘*Bellum*’ of all against all”<sup>536</sup>. What the inherently pretentious nature of the political should reveal is that Schmitt sees Cortés as not only fundamentally pretentious, but, more importantly, as aware of this pretention. While Cortés' anthropological claim is ungrounded, it is, unlike the equally ungrounded claim of liberalism, both aware of and willing to admit this ungroundedness<sup>537</sup>. It is not guilty of the liberalism's ‘bad faith’, but embraces what it is in its very pretention. It is, therefore, not so much the fundamental ungroundability of Cortés' position which Schmitt admires, but the fact that Cortés, like the Grand Inquisitor, is both aware of this ungroundability and yet willing to make such an ungrounded decision. Schmitt's theory is in the widest sense a discourse on the possibility of “*Humane Self-assertion*”<sup>538</sup>. Political autonomy is grounded, for Schmitt, in an act of fundamental pretention, aware of its self in its ungroundability, arrogant enough to act all the same.

## 2.5. Epic and Tragedy of the Political

Reflecting on “what politics really means”, Hannah Arendt once wrote:

Here it is, firstly, of decisive importance that Homer's song does not forget the defeated man, that it bears no less witness for Hector than for Achilles and that, as much as the victory of the Greeks and the defeat of the Trojans was certain and decided in advance by the decree of the Gods, this victory does not make Achilles greater, nor Hector lesser, the cause of the Greeks more just nor the defense of Troy less just<sup>539</sup>.

This is the “grand impartiality of Homer, which is not objectivity in the sense of modern neutrality (*Wertfreiheit*), certainly, however, in the sense of the most consummate freedom from interests and the most consummate independence from the judgment of history”<sup>540</sup>. Though one need not take this as an argument for Schmitt's homerity, Arendt's

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“strongest emphasis on the external”. A pretention is a “holding up” or “holding forth”, a stretching out in front of something, i.e. a curtain. See further: Daermann, Iris. *Die Maske des Staates. Zum Begriff der Person und zur Theorie des Bildes in Thomas Hobbes' Leviathan*, pp. 72-92 in: *Die Machbarkeit der Welt. Wie der Mensch sich selbst als Subjekt der Geschichte entdeckt*, ed. Mihran Dabag and Kristin Platt, München: Fink 2006.

<sup>536</sup> Schmitt, Carl. *BdP*, p. 60.

<sup>537</sup> On the importance of ‘risk’ for Schmitt's thought, see: Marder, Michael. *Groundless Existence*, ch. 2 *The Danger: Unavoidability of Risk*, pp. 38-59.

<sup>538</sup> Blumenberg, Hans. *Part 2: Theologischer Absolutismus und humane Selbstbehauptung in: Die Legitimität der Neuzeit*, Frankfurt a.M.: Suhrkamp 1996.

<sup>539</sup> Arendt, Hannah. *Was ist Politik?*, pp. 91-92.

<sup>540</sup> Arendt, Hannah. *Was ist Politik?*, p. 92.

description of Homer's epic does reveal a certain similarity to Schmitt's concept of political thought: it is the attempt to see the justification of both parties and to avoid the judgment of a history always written by the victors<sup>541</sup>. It is not value-neutral like the pseudo-objectivity of "economic thought" but rather impartial in that it acknowledges the values in the name of which both sides wage war against one another. With this observation in mind I would like to briefly explore two philosophical reflections elucidating for the relationship between the concept of the human and that of the political, returning to the thoughts of Wilhelm Dilthey and Max Scheler.

In *The Construction of the Historical World in the Humanities*, Dilthey writes that "the position which higher understanding assumes with respect to its object is determined by its task of finding a coherence of life (*Lebenszusammenhang*) in that which is given. [...] We call this nature, given in the task of understanding, a putting-of-oneself-in-the-place-of (*Sichhineinversetzen*), be it of a person or a work"<sup>542</sup>. What Dilthey wants describes as the core of the humanities is the act of putting oneself, so to speak, in the shoes of another, of 'empathy'<sup>543</sup>.

This act of empathy can be illustrated well in literary disciplines, in which an interpreter attempts to 'draw out' the, or at least one, meaning of a text, presumably 'inscribed' by the author. Though the identity and stability of this assumed author has of course been subjected to considerable criticism in the course of the 20<sup>th</sup> century – one need only think of the "death of the author" (Barthes) – the act of interpretation, so long as it remains something other than mere projection and opinion, in other words, so long as it remains something other than what Schmitt called the "subjective occasionalism" of Romanticism, nonetheless operates under the assumption of a, however minimal, degree of objective meaning. The idea of understanding as an act of empathy is the foundation of interpretation because when we interpret a poem we are interested in finding out what its author wanted to communicate, in understanding the poem from the perspective of the author.

The importance of this empathetic conception of the humanities for our understanding of Schmitt's thought can be clearly seen when we consider Schmitt's understanding of political thought as we have just discussed it. It may appear strange to argue that Schmitt's political theory is founded in an act of empathy, since the word empathy seems to suggest something like pity and since Schmitt's political thought seems, at first glance, to suggest

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<sup>541</sup> Cf. Schmitt, Carl. *Historiographia in Nuce: Alexis de Tocqueville*, pp. 25-33 in: *ECS*, p. 25.

<sup>542</sup> Dilthey, Wilhelm. *Aufbau der geschichtlichen Welt*, p. 213 f.

<sup>543</sup> While Dilthey employs numerous terms to describe this activity: *Sichhineinversetzen*, *Nachfühlen*, *Einfühlen*, I will refer to it, as well as all variants, as "empathy".

anything but an attunement towards pity. Central here is, however, that we recognize the fundamental relationship between Dilthey's act of empathy and Schmitt's concept of political thought as the basis on which it becomes possible for the political thinker to identify the tragic situation in which two parties, equally convinced of their rectitude, equally with and without basis for this belief, collide. The recognition of both parties as claimants without ground engenders a kind of empathy, not only with the fact that political actors, individuals and groups, lay pretentious claims to substantive values, but because, in spite of their being pretensions, these values carry meaning. This is the source of the political's tragic nature<sup>544</sup>.

At the same time, in that Schmitt's attempt to conceptualize the political reveals itself as the attempt to assume a position of Homeric impartiality, it opens itself up to a fundamental critique. This critique has been formulated by Jürgen Habermas in his 1968 work *Erkenntnis und Interesse* in his discussion of Dilthey's hermeneutics. Habermas' proceeds from Dilthey's assertion that "This unmediated relationship to one another in which life and the humanities find themselves leads to a conflict in the humanities between their scientific goal and the tendencies of life"<sup>545</sup>. Habermas' argument is, then, that in this conflict "a hidden positivism prevails", so that Dilthey ultimately remains "under the power of positivism to such a degree that, precisely at the point at which practical cognitive interest is grasped as the foundation of possible hermeneutic insight, and not as its corruption, he abandons the self-reflectiveness of the humanities and reverts to objectivism"<sup>546</sup>. Habermas' further linguistically oriented explication of this problem, grounded in his argument "that every objectification is part of an intersubjectively binding symbolic context" need not concern us here. More important are the following questions for and specifications of our reading which this critique brings to light.

Firstly, if, as we have argued, Dilthey's hermeneutics of understanding and empathy bear resemblance to Schmitt's view of the political, then we can also ask whether Schmitt's concept of the political does not also manifest a tendency to regress into a form of

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<sup>544</sup> The tragic nature of Carl Schmitt's concept of the political has, though infrequently, been noted since reception in the 1930's (cf. Wohlgemuth). In addition to various passing descriptions of Schmitt's thought as "tragic" (in particular Galli's mention of a "tragic hermeneutic" in his work *La Genealogia della Politica* may be mentioned), there has been little explicit analysis of the tragic in Schmitt scholarship. Two prominent exceptions are an essay by Carlo Galli, published as the foreword to the Italian edition of *Hamlet or Hecuba* and published in an English translation with the title *Hamlet: Representation and the Concrete*, trans. Adam Sitze and Amanda Minervini, pp. 60-83 in: *Political Theology and Early Modernity* (ed. Graham Hammill and Julia Reinhard Lupton, Chicago: The University of Chicago Press 2012; see further: Sitze, Adam. *The Tragicity of the Political: A Note on Carlo Galli's Reading of Carl Schmitt's Hamlet or Hecuba*, pp. 48-59 in the same volume) in which the tragic is brought into contact with Schmitt's thought as a whole to an only limited extent and, secondly, most recently as well as programmatically closest to this study's interest in the tragic, a short 'note' from Andrea Salvatore published in the journal *Telos* no. 161, pp. 181-187 (Winter 2012,) with the title *The Tragic Theory of Carl Schmitt*.

<sup>545</sup> Dilthey, Wilhelm. *Aufbau der geschichtlichen Welt*, p. 137.

<sup>546</sup> Habermas, Jürgen. *Erkenntnis und Interesse*, Frankfurt a.M.: Suhrkamp 1969, pp. 224-225.

contemplation in which the practical cognitive interest is suspended. At first glance it seems that such a critique is precisely that criticism which we have seen Schmitt attempt to counter by distancing his observations from the overly objective, normative neutralization of concrete political antagonisms. Where Habermas' reflections, however, prove elucidating is in the way that they reveal Schmitt's attempt as itself a possibly false claim to objectivity, that is, as guilty of precisely the same error for which Schmitt criticized the merely apparent objectivity of systematic neutralizations of the political with their "preconceived categories". What Habermas' critique of Dilthey can provoke us to consider is whether Schmitt's contemplation of the political is not, for all its criticism of overly distanced analysis of the political, founded in the position of an "observer [*Betrachter*] of political phenomenon"<sup>547</sup>. This perspective of the "observer" is precisely the object of Habermas' critique when he writes that "*Nacherleben*", that is, precisely the act of empathy and understanding which we have seen underlie Schmitt's observations of the political, "is to a certain degree an equivalent for *observation (Beobachtung)*"<sup>548</sup> because it ensures what appears to be "the reproduction of an unmediated, consciousness existing in isolation and cleansed of all merely subjective blurrings"<sup>549</sup>. In reality, however, this observation is neither free from all subjective blurrings nor does it, a perhaps more fundamental problem, even really exist. It is a hypostatized and idealized observer.

Secondly, however, Habermas' critique itself offers the basis on which we might be able to understand what vision such a position enables and why, however false its claim to this kind of objectivity might be, it nonetheless speaks to us. The peculiarity of this position lies therein that it employs a particularly subjective gaze, a moment of empathy, in order to achieve this position of impartiality. It is in this sense that we must understand the distinction Arendt drew and that neutrality is achieved not by impartiality in the sense of *Wertfreiheit*, that is, freedom from valuation, but by impartiality in the sense of not belonging to a party (*Unparteilichkeit*). Furthermore: the truly political gaze and apprehension of both parties' justification is not only distinct from *Wertfreiheit*, it is opposed to *Wertfreiheit* because political thought and the capacity to grasp the justification of both parties begins only when one has understood that their struggle is carried out in the name of values and when one begins to take these values seriously, neither condemning them as inhumane or false, nor attempting to see in them nothing more than "reflections" of underlying economic and material causes.

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<sup>547</sup> Schmitt, Carl. *BdP*, p. 62.

<sup>548</sup> Habermas, Jürgen. *Erkenntnis und Interesse*, p. 226.

<sup>549</sup> Habermas, Jürgen. *Erkenntnis und Interesse*, p. 225.

The false objectivity of Dilthey (and Schmitt's) hermeneutics, according to Habermas, is that "empathy" ultimately withdraws philosophy to the perspective of the observer and denies this very observer's inextricable position within the inter-subjective world of communication. Here we need not rebut that Schmitt makes explicit the very political nature and therefore, in some way, subjectivity of his reflections<sup>550</sup>. For it is, perhaps, even more productive to accept this criticism in its revelation of the position of political thought in its problematic and particular nature. For Habermas the false objectivity of this pseudo-objective subjective position lies therein that "both", empathetic reliving as well as 'objective' observation "fulfill the criterion of a theory of representation of truth [*Abbiltheorie der Wahrheit*]"<sup>551</sup>. Amidst his criticism, Habermas ironically delivers what is perhaps the core of Schmitt's attempt to conceive the political: the representation of truth. But what kind of truth is Schmitt after? A tragic one?

For Max Scheler, "everything that can be called tragic moves in the sphere or values and value relations"<sup>552</sup>. The air, so to speak, which the tragic breathes, is value (*Wert*). Value is not however to be found in descriptions such as beautiful, ugly, good or bad, but in their degree, their height or their lowness. The tragic occurs not because something good turns bad, but because something on which we place value is lost. The downfall of a good man might touch us and seem more tragic than some injustice going unpunished, but this kind of view is precisely what Scheler has guarded against when defining the tragic as a sense which the things themselves possess, not a sense which we have about the things. Certainly, Scheler does write that "not this destruction as such but rather the direction of its effect manifest in carriers of whatever lower or equal positive values – but never higher values – is tragic. The tragic never appears when the good, for example, overcomes and causes the downfall of the evil, the noble the common"<sup>553</sup> in which sense one might be tempted to say that Scheler indeed returns the tragic to the realm of human sensibilities regarding what is good. His concept of the good is, however, relative enough that he ultimately identifies the purest form of tragedy in two forces which, while standing in an irresolvable opposition to one another, can both be seen as good. In this sense the tragic can only be seen from a value-neutral perspective. "The appearance of the tragic", Scheler writes "is therefore dependent upon the fact the forces which destroy the higher positive value themselves proceed from carriers of positive value", that, in other words, the tragic occurs only where two positive values stand in

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<sup>550</sup> Schmitt, Carl. *PT*, p. 7.

<sup>551</sup> Habermas, Jürgen. *Erkenntnis und Interesse*, p. 226.

<sup>552</sup> Scheler, Max. *Stellung des Menschen*, p. 96.

<sup>553</sup> Scheler, Max. *Stellung des Menschen*, p. 97.

opposition to one another. The tragic is therefore, clearly not merely an instance of evil defeating good, but of a struggle in which both forces can be seen as good, so that “its appearance is most pure precisely when carriers of *equally* elevated values appear to be ‘condemned’ to wipe out and cancel one another”<sup>554</sup>. “The high art of the tragic poet is, therefore, above all bringing the values of each party to light in their entirety and fully and clearly developing the internal justification of each figure”<sup>555</sup>. Precisely there, where it seems to us that both parties are acting according to their “duty” (*Pflicht*), fulfilling their moral obligation, and the question of guilt is therefore excluded, the tragic is brought to light in its purest form. For Scheler, the very question “who is guilty?” stands in opposition to the tragic. “Only there, where there is no answer to this question, does the color of the tragic appear. Only there, where we get the impression that *every one* obeyed the demands of their ‘duty’ as far as conceivably possible but that the calamity *yet* had to occur, do we perceive the ‘tragic’”<sup>556</sup>. Is this not the very situation of political confrontation between two parties equally convinced of their rectitude which we have identified in Schmitt’s conception of a political event?

In his critique of Dilthey Habermas writes that:

The interpreter can, whether dealing with contemporary objectifications or with historical transmissions, not free itself from its hermeneutic point of departure. It cannot simply leap past the open horizon of its own practice of life and plainly suspend the context of tradition through which its subjectivity is formed in order to sink into the sub-historical stream of life which allows the enjoyable identification of everything with everything<sup>557</sup>.

This may well be true and, in considering Habermas’ criticism, we have attempted to take the problems it poses seriously. Nonetheless, if Habermas is correct, then perhaps the question may also be posed, what tradition it is in which Schmitt remained trapped. Is it the tradition of the tragic which, as Peter Szondi has examined, appears as an almost exclusively German phenomenon of the 19<sup>th</sup> century<sup>558</sup>? Is it the idealist tradition and Schmitt’s indebtedness to Hegel, the desire to express the objectification of the spirit – a theory of representation of the truth? These are questions which cannot be answered in this study but which, in particular the role of the tragic in Schmitt’s thought, represent aspects of Schmitt’s thought in need of clarification.

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<sup>554</sup> Scheler, Max. *Stellung des Menschen*, p. 97.

<sup>555</sup> Scheler, Max. *Stellung des Menschen*, p. 98.

<sup>556</sup> Scheler, Max. *Stellung des Menschen*, p. 108.

<sup>557</sup> Habermas, Jürgen. *Erkenntnis und Interesse*, pp. 227-228.

<sup>558</sup> Szondi, Peter. *Versuch über das Tragische*, pp. 149-260 in: *Peter Szondi. Schriften I*, Frankfurt a.M.: Suhrkamp 1978, pp. 151-152.

The present chapter has attempted to work out the interpretive position from which Schmitt formulated his concept of the political. The concept of the political and the source of its tragicity is the position at once conceptual and therefore abstracted from the subjective, self-righteous perspective of the active political agent, while nonetheless a concrete concept of the political, a *Begriff*, and therefore tangible – the German stem *Griff* shares its etymology with the English 'grip'<sup>559</sup> – in a way foreign to the mere idea or theory, both of which are tied to a visual knowledge. Schmitt's criticism of both the aphoristic perspective of the political agent and the 'objective' systematization of the political lies therein that both inevitably reject all true abstraction, that is, mediation. Schmitt's text is deeply pedagogical in nature: it believes, in its rejection of a purely subjective concept of political engagement, that the human being is “educable and teachable”<sup>560</sup> and in this way it represents a continuation of *Roman Catholicism*'s emphasis on the opposition of education (*Bildungsgegensatz*). Nonetheless, it remains distant from a systematic theorization. In this way Schmitt's theorization of political thought bears resemblance to his notion of the healthy human understanding, the Latinate rationality of the Catholic Church located as it is between a sterile system and an occasionalist arbitrariness. With his concept of the political Schmitt sought to explicate a particular way of looking at the world. What I have tried to show in this chapter is that this position from which the political is interpreted, neither systematic nor aphoristic and yet both dogmatic and agonistic, is the same basic position which Schmitt assigns to and tries to express in what we have called his conception of the human.

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<sup>559</sup> Both *Begriff* and concept express, in their respective etymological roots, the same meaning. The Latin root of concept (*capere*, meaning to take or grasp; captivate, capture), has, for whatever reason, lost the immediately recognizable connotations of the German *Begriff*.

<sup>560</sup> Schmitt, Carl. *BdP*, p. 59.

### Chapter 3. History and the Human

Textually, the focus of the last two chapters has been Schmitt's production up until 1934, the year of *On the Three Types of Legal Thought's* publication. In this chapter we turn our attention to Schmitt's later production, from 1938 onward<sup>561</sup>. A shift in focus from pre-1935 to post-1938 works is not merely a chronological shift, but rather tied to a thematic development of Schmitt's thought, compared by Hasso Hofmann to Heidegger's "turn"<sup>562</sup>. The exact nature of his turn, however, remains vague. At times it is associated with an increased focus on geo-political questions, on a post-national conception of hegemonies or *Großräume*, all of which can be categorized generally by a dominant focus on international law<sup>563</sup>. Whatever the decisive category of Schmitt's late thought may be, it is clear that, in addition to geo-political considerations of nomos and space, Schmitt's later thought is deeply concerned with history<sup>564</sup>. In the following chapter we will to pursue the relationship between Schmitt's historical thought and the concept of the human, in terms of two aspects: firstly, the way in which Schmitt's reading of the modern is simultaneously the narrative of the human, that is, the way in which Schmitt's narrative of modernity's beginnings centers around the loss of a mediating rationality and, secondly, the way in which this loss of holistic mediation leads Schmitt to attempt the construction of a philosophy of history capable of endowing the world with human meaning.

That Schmitt's later thought can be said to exhibit an intensely historical focus is not, of course, to say that Schmitt's earlier thought was unconcerned with history; his theory of secularization as presented in *Political Theology*, with its movement from the theological to the metaphysical to the economic represents more than just an interest in historical happenings but rather a full-fledged and unified reading of the preceding four hundred years

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<sup>561</sup> In referring to a period of "later production" in Schmitt's thought I do not intend to propose any strict periodization of Schmitt's work, but rather merely adopt the universally agreed upon general shift in Schmitt's thought, away from his "obsession with the state" (Sombart, Nicolaus, *Die deutsche Männer und ihre Feinde*, p. 20). While Sombart identifies three phases, Hofmann (*Legitimität gegen Legalität*) and Mohler (*Carl Schmitt*) identify four.

<sup>562</sup> Hofmann, Hasso. *Legitimität gegen Legalität*, p. 253: "Carl Schmitt himself confirms this when he says that the history of philosophy is, in whatever form, today unavoidable, because we are denied the 'comfort of the ahistorical moment' (cf. *Drei Stufen historischer Sinngebung* in: *Universitas*, Jg. 5 (1950), pp. 927-931 (927); and: *Die andere Hegel-Linie* *ibid*). Precisely in this point, however, Schmitt's last turn, comparable with the much discussed 'turn' [*Kehre*] in Heidegger's thought, becomes completely clear, while however remaining within the framework of that which Schmitt had been considering since the year 1937".

<sup>563</sup> See: *Spatiality, Sovereignty and Carl Schmitt: Geographies of the Nomos*, ed. Stephan Legg, Routledge 2011; Hooker, William. *Carl Schmitt's International Thought: Order and Orientation*, Cambridge University Press 2009; *The International Political Thought of Carl Schmitt: Terror, Liberal War and the Crisis of Global Order*, ed. Louiza Odysseos and Fabio Petito, Routledge 2007.

<sup>564</sup> Hofmann characterizes Schmitt's work from 1937 onward, as the chronologically fourth dominant form of legitimacy in Schmitt's intellectual development, with the title "historical legitimacy".



of European history. Yet the attention Schmitt paid to history in his later works, largely ignored in American scholarship and still more or less overshadowed by his Weimar writings in European academia, differentiates itself from the general reading of history present in Schmitt's earlier works in two ways.

Firstly, Schmitt begins to focus less on the general evenly paced movement of history as "secularization", beginning in the 17<sup>th</sup> century and culminating in the 20<sup>th</sup>, and begins to work on a reading of the decisive transition from 16<sup>th</sup> to 17<sup>th</sup> century. While an identification of the transition from 16<sup>th</sup> to 17<sup>th</sup> century in its singular importance is made explicit in Schmitt's 1929 text *Das Zeitalter der Neutralisierungen* when Schmitt writes that "The transition from the theology of the 16<sup>th</sup> century to the metaphysics of the 17<sup>th</sup> century is particularly clear and obvious as a singular historical turn"<sup>565</sup>, Schmitt's increased focus on this transition only assumes its full dimensions beginning with his work on Hobbes and studies leading up to it<sup>566</sup>.

Thus, in the first part of this chapter, devoted to revealing the centrality of the human for Schmitt's reading of the modern, we begin by briefly summarizing Schmitt's thesis about the transition from 16<sup>th</sup> to 17<sup>th</sup> century as the epochal transition from medieval to modern, and, in addition, its relationship to the discovery of the Americas (3.1.1). With this historical moment in mind, we then turn to analyze three figures to whom Schmitt devotes varying degrees of attention, but all of whom embody the loss of mediation which occurred in the beginnings of the modern: Hobbes, Hamlet and Rudolf II (3.1.2.1-3). It is as the loss of this capacity for mediation that we can grasp the sense in which Schmitt's reading of modernity is, in effect, a narrative of the human. And yet, as we will then see, this transition and its tragicity cannot be fully grasped when understood merely as the end of an old order and the death of human rationality. Schmitt does not, as the simplistic interpretation of Schmitt as a crass anti-modernist would like to suggest, merely posit an absolute and nostalgically anti-modernist opposition between holistic, unified, Christian medieval Europe and the rationalistic, atheistic nihilism of modernity. This is the dominant mode of interpretation which underlies the decisionistic, anti-liberal, anti-parliamentary reading of Schmitt's thought because it suggests that Schmitt fundamentally understands post-Reformation European history as a failure. What Schmitt's later works reveal, however, is an in fact more complex relationship to and understanding of the modern, the complexity of which lies therein that Schmitt's later writings

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<sup>565</sup> Schmitt, Carl. *ZNE*, p. 74.

<sup>566</sup> An **increase** in, which is not to say the beginning of, Schmitt's interest is clearly evidenced by a comparison of the sheer number of texts which Schmitt produced focused on this period. See: de Benoist, Alain. *Carl Schmitt. Bibliographie seiner Schriften und Korrespondenzen*, Berlin: Akademie 2003.

adopt a less polemic tone and begin to grasp the origins of the modern in its tragicity. Thus, by turning to the narrative of European jurisprudence as Schmitt presents it in *Ex Captivitate Salus* (3.1.3.), it will become clear that human rationality survived the transition and continues to live in the modern but that this continued existence takes on the form of a tragedy which underlies all modern attempts at recovering a lost holism of the human rationality. The first part of this chapter therefore has two functions. The first of these is a self-contained argument about the role of the human in Schmitt's reading of modernity and the way in which increased attention to this narrative of the human can help us to understand the complexity and by no means merely anti-modernist stance which Schmitt takes with respect to modernity. In turn this argument is intended to reveal that, far from the vague utopianism of the human rationality as we have witnessed it in *Roman Catholicism*, the human is first and foremost a concept of tremendous tragicity.

Revealing the tragicity of the modern sets up the argument of this chapter's second section, namely, the question of historical meaning. For, if the modern is fundamentally the tragedy of the human in its incapacity to restore the lost unity, then we may also ask what meaning such a tragedy can have, what, that is, can endow this tragedy with meaning. This second section proceeds from the fact that the historical emphasis of Schmitt's later works distinguishes itself from his earlier thought not only in its focus on the origin of modernity, but in Schmitt's turn to the development of a philosophy of history as well, not merely as the reading of a concrete period or moment, but as an interest in the very structure of history. "Today", Schmitt wrote in 1950, "every attempt at a self-understanding ultimately turns out to be either historical-philosophical or utopian self-location"<sup>567</sup>. Schmitt's later thought opts for the former. Explicated with particular intensity in his contemplation of the biblical figure of the katechon, or 'restrainer', Schmitt's philosophy of history is an eschatological reading which attempts to mediate between the fatalism of a linear-progressivist philosophy of history and the fatalism of a circular philosophy of history. This attempt to endow history with meaning leads us back to the question of the human and yet does so in a way distinct from the first part of this chapter. Rather, that is, than focus on the human rationality's role as the, so to speak, protagonist of Schmitt's history, this chapter suggests that Schmitt formulates this philosophy of history in an attempt to conceive of **history as a space in which a particularly human activity becomes possible**. One could say that, just as Schmitt sought to grasp the political as a sphere of human activity, so his philosophy of history is the attempt to conceive

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<sup>567</sup> Schmitt, Carl. *Drei Stufen historischer Sinngebung*, pp. 927-930 in: *Universitas*, Jg. 5 (1950), p. 927.

of history in such a way as to create a historical space for human activity<sup>568</sup>. Indeed, the connection between these two dimensions, the political and the historical is intimate: the political and the historical are dimensions of human activity; to endow history with meaning is to create a space for the human by creating a space for the political, that is, for the conflict between and interaction of diverse and sometimes divergent understandings of what is meaningful and to take seriously these assignments of meaning in their own terms; it is history conceived of not as an “archive of that which was” nor as a linear bettering or worsening of social conditions but as the tableau, the epic and the tragedy of human activity.

### 3.1. The Tragicity of the Human as Inhabitant of the Modern

#### 3.1.1. The transition from 16<sup>th</sup> to 17<sup>th</sup> century

For Schmitt, the transition from 16<sup>th</sup> century theology to 17<sup>th</sup> century metaphysics represents “the strongest and most consequential of all intellectual transitions of European history”<sup>569</sup>. It is in this turn to the “not only metaphysically, but scientifically greatest period of European history, the heroic age of occidental rationalism”<sup>570</sup>, that the rise of the modern state, the political doctrine of absolutism and the concept of the body as machine, the Age of Discovery, an ensuing radical “spatial-revolution” and, not least significantly, the Protestant Reformation all took place<sup>571</sup>; it is the “epoch of systematic scientific thought” and it “encompasses at once Suarez, Bacon, Galileo, Kepler, Descartes, Grotius, Hobbes, Spinoza, Pascal, Leibniz and Newton”<sup>572</sup>. Schmitt sees all of these events and figures in the intellectual history of the West as closely connected with one another, as part of a general technologization, rationalization, mechanization and secularization of the world. As we have already seen in chapter 1, however, and as the list of names which belong to this epochal transition also implies, the meaning of this process of secularization exceeds the confines of a strictly interpreted theological discipline<sup>573</sup>. Given the diffuseness of such a definition it is helpful for us to turn

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<sup>568</sup> While Schmitt’s later writings are, and not incorrectly so, often seen as categorically different from his earlier writings, this chapter will at least implicitly argue for a certain degree of continuity along the lines of a concept of the human.

<sup>569</sup> Schmitt, Carl. *ZNE*, p. 81.

<sup>570</sup> Schmitt, Carl. *ZNE*, p. 75.

<sup>571</sup> Schmitt, Carl. *Der Staat als ein konkreter, an eine geschichtliche Epoche gebundener Begriff*, 1941 pp. 375-385 in: *VA*; Schmitt, Carl. *Absolutismus*, pp. 95-101 in *SGN*; Schmitt, Carl. *Der Staat als Mechanismus bei Hobbes und Descartes*; Schmitt, Carl. *Das Land gegen das Meer* (1941), pp. 395-400 in *SGN*; Schmitt, Carl. *Raumrevolution: vom Geist des Abendlandes*, pp. 219-221 in: *Deutsche Kolonialzeitung: Organ der Deutschen Kolonialgesellschaft*, Bd. 12 (1942); Schmitt, Carl. *Raumrevolution: Durch den totalen Krieg zu einem totalen Frieden*, pp. 388-394 in: *SGN*.

<sup>572</sup> Schmitt, Carl. *ZNE*, p. 76.

<sup>573</sup> Such a diffuse interpretation of the term secularization has led to Hans Blumenberg’s voice the following criticism: “It is, however, one thing to say that the ‘secularization’ of the nation is very advanced in a particular political state and that this is visible in the empirical decrease of the church’s centrality in

to the concrete events and processes in which Schmitt identifies the core and cause of the transition from 16<sup>th</sup> to 17<sup>th</sup> century as a movement of “secularization”. In particular, Schmitt’s later work provides us, in contrast to his earlier works, with the analysis of a particular event to which he ascribes an inestimable importance: the discovery and “*Landnahme*” (land-taking) of the Americas as the “constitutive event of international law”<sup>574</sup>.

With his theory of land-taking as the constitutive act of law, Schmitt suggests that, in contrast to the appearance of a parliamentary origin of law created by modern liberalism, the core of major legal paradigms are created by geo-political appropriations of land. This does not mean that any and all appropriations of land create law and can be understood as land-takings which constitute a new legal order or, more specifically, a new “nomos” in the sense of this “Greek word for the first measurement which founds all following measurements, for the first land-taking as the first division and arrangement of space, for the ur-division and ur-distribution”<sup>575</sup>. Not all appropriations of land create and found a new order, but all new orders are the product of land-takings. As Peter Schneider writes:

the entirety of law, international law, state law and civil law, the opposition between imperium and dominium, public and private law is unthinkable and impossible without or before the Ur-act of law [...] In which manner the relationships are determined, that depends upon whatever external circumstances there may be. [...] That, however, these relationships are determined, that is the core of the generality of law and that is dependent upon the act of land-taking<sup>576</sup>.

For the purposes of our study, the detailed, though complex and mysterious relationship, the arcanum<sup>577</sup> which Schmitt wants to identify between law and land-taking – here Schmitt recurses to the etymology of the Greek term nomoi and its relationship to the German verb “*Nehmen*” meaning to take<sup>578</sup> – cannot receive as much attention as it might

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communities of this nation and another thing to formulate the thesis that the capitalistic valuation of commercial success is the secularization of the certainty of salvation under the presupposition of the reformation’s belief in predestination (Blumenberg, Hans. *Die Legitimität der Neuzeit*, p. 18).

<sup>574</sup> Schmitt, Carl. *NdE*, pp. 48-51.

<sup>575</sup> Schmitt, Carl. *NdE*, p. 36. “Naturally, not every invasion or temporary occupation is thus an order-founding land-taking [*Ordnung begründende Landnahme*]”, Schmitt, Carl. *NdE*, p. 48.

<sup>576</sup> Schneider, Peter. *Ausnahmestand und Norm: Eine Studie zur Rechtslehre von Carl Schmitt*, p. 35.

<sup>577</sup> Schmitt, Carl. *NdE*, p. 20.

<sup>578</sup> Schmitt, Carl. *Nehmen / Teilen / Weiden: Ein Versuch, die Grundfragen jeder Sozial- und Wirtschaftsordnung vom Nomos her richtig zu stellen* (1953), pp. 488-504 in: *VA*. In addition to ‘taking’, Schmitt identifies two other possible meanings of the Greek word nomos, namely, *Teilen*, meaning to divide, and *Weiden*, translatable as ‘grazing’, as when a cow grazes. In the case of *Weiden*, however, Schmitt expands the semantic field of the term considerably, writing that *Weiden*, in its meaning for the word nomos, refers to “The search for grazing places [*Weidenplätze*] and the feeding [*Weiden*] of the animals, which nomads such as Abraham and Lot performed; the ploughing of Cincinnatus with his plow; the shoemaking by hand of Hans Sachs in his workshop; the commercial and industrial work of Friedrich Wilhelm Krupps in his factories, all of this is *Nemein* in the third sense of our word: grazing [*Weiden*], economy [*Wirtschaften*], use

deserve. Important is the central insight that true shifts in legal paradigm are always tied to and the product of an appropriation of land. Important is that the emphasis in Schmitt's later thought on the concept of a "land-taking" can be seen as a further continuation and modification of his anti-positivist argumentation in *Political Theology*. Just, that is, as he argued against the idea of law as a purely abstracted system of norms which can stand for themselves and suggested that the decision is the constitutive act, the very act by which law itself comes into being – *autoritas non veritas facit legem* –, so his insistence upon the importance of "land-taking" can also be seen as the insistence upon an extra-legal source of law. Law is not thought into being; it is initiated and made possible by fundamental changes in the political geography of the world. This relationship becomes somewhat clearer if we turn away from a purely abstract consideration of law and land-taking and turn to the concrete example of this relationship which interests us here: the relationship between the discovery of the Americas in the course of the 16<sup>th</sup> century and the rise of European international law in the 17<sup>th</sup> century.

Understanding the monumental stature of this discovery means that for Schmitt the movement from land to sea is a movement away from the natural environment of the pre-modern human being: "The human is a terrestrial being, a land-goer", "It stands and walks and moves on solidly based earth. This is its stand point and its ground"<sup>579</sup>. All early civilizations are land-based civilizations. Certainly there are early civilizations which one might describe as nautical, whose power was built on their maritime prowess, Carthage for example, and certainly "in their myths and sagas, the majority of civilizations remember not only earthly but also maritime gods and people – Aphrodite the goddess of feminine beauty, risen from out of the foam of the surging of the sea"<sup>580</sup>. Indeed, Thales speculated on water's nature as the substance of the world. But the key is that, whatever role the sea and water might have played, the epochal discovery of a 'freedom of the sea' and 'international waters', the true dimensions of the oceans, begin only with the discovery of the Americas. The difference lies therein that even early civilizations with an affinity for the sea, Athens or Byzantium, were not so much sea-based as they were "coastal kingdoms" and that they navigated the sea by keeping the coast in sight. Thus even the kingdom of Venice performed its yearly ritual of a "marriage with the sea" (*sposalizio del mare*) and signified therein "the necessity of bridging a difference in essence [...] Venice merely sails the seas and uses its advantageous coastal position; but it does not transfer its entire existence from land to

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[*Nutzen*], production"; see also: *NdE*, pp. 36-48.

<sup>579</sup> Schmitt, Carl. *Land und Meer*, p. 7.

<sup>580</sup> Schmitt, Carl. *Land und Meer*, p. 9.

water”<sup>581</sup>. With the discovery of the Americas this transfer occurs: “Now the world is conceived of in terms of water. The continent becomes a coast with land behind it”<sup>582</sup>.

The shift from land to sea manifests itself in the developments of international law and, in particular, in the difference between what two forms of what Schmitt calls “global conception of lines”, between the still medieval *Raya*, which remains within the framework of a closed conflict between Christian princes, and the modern “amity lines”<sup>583</sup>. Yet, the fundamental core of this transition is not fully comprehensible strictly in the terms of international law; for, “the difference concerns not only the geographical demarcation and drawing of meridian lines, but rather the contents of the presupposed political concept of space and thereby the mental structure of the concept of lines and the very ordering of space contained in this conception”<sup>584</sup>. The fact that Schmitt locates the difference between these two forms of global line drawing, “divided by a world”<sup>585</sup>, in the very concept of space which they presuppose suggests that the difference is more than a geo-legal one. It is a difference in the entire apparatus with which the world is comprehended, not only geographically but philosophically and aesthetically, and its foundation is the newly arrived, mathematical, technical occidental rationalism<sup>586</sup>. Thus, in order to grasp this epochal shift, we must leave the field of concrete historiography and turn our attention to historical-philosophical analogies which Schmitt draws between the discovery of the new world, the shift from land to sea, the development of a concept of absolute sovereignty and the rise of Protestantism.

In embarking upon the great conquest of the Americas and shifting the stage of international conflicts to the sea, the European powers leave the stable security of solid land in which lines can be drawn and footprints are left and take to a maritime medium in which the wake left by ships is quickly swallowed by the waves: “Nor can fields be sown or stable lines dug in the sea. The ships which sail the sea leave no trace behind”<sup>587</sup>. The incapacity to draw lines in water is symbolic of the loss of order, juristically manifest in the freedom of the seas: “At sea there is no law”<sup>588</sup>. Dutch Geuzen, English Sea Dogs and French Corsairs, pirates put in service of the state, sail with letters of marque authorizing them to attack foreign ships – the French Corsairs are even allowed to fly the French flag – representing just how unclear the line between legality and illegality, public and private, combatant and non-

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<sup>581</sup> Schneider, Peter. *Ausnahmezustand*, p. 58.

<sup>582</sup> Schneider, Peter. *Ausnahmezustand*, p. 61.

<sup>583</sup> Schmitt, Carl. *NdE*, pp. 54-68.

<sup>584</sup> Schmitt, Carl. *NdE*, pp. 58-59.

<sup>585</sup> Schmitt, Carl. *NdE*, p. 59.

<sup>586</sup> Schneider, Peter. *Ausnahmezustand*, p. 48.

<sup>587</sup> Schmitt, Carl. *NdE*, pp. 13-14.

<sup>588</sup> Schmitt, Carl. *NdE*, p. 15.

combatant was blurred.

Out of the struggle for dominance of the oceans there arises the English Empire and this is, at first sight, a strange fact, because

The oceanic seafaring achievements of the English begin relatively late and slowly. Portuguese had sailed into the world a hundred years before, of course only mostly along the coasts. [...] Only after 1570, as already mentioned, did the English sail south of the equator. [...] Nonetheless it was the English who ultimately overtook everyone, did away with all rivals and achieved a world dominance founded upon the dominance of the seas<sup>589</sup>.

But “How was this possible?”<sup>590</sup> This was possible, and herein lies its “peculiarity, its incomparability”, because “England completed an elementary transformation [...] It had truly transferred its existence away from land into the element of the sea”<sup>591</sup> and

The word ‘continental’ gained its second meaning as “underdeveloped” and the population belonging to it became ‘backward people’. The island itself however, the metropolis of such a world empire built upon purely maritime existence, is thereby uprooted and un-landed [*entlandet*]. It can, like a ship or like a fish, swim to another part of the earth, for it is indeed nothing but the transportable middle point of a world empire disjointedly strewn across all continents<sup>592</sup>.

Here the description of the English island as the “transportable middle point” is of great significance for our investigation of the human – it is the geo-political expression of the perhaps most all-encompassing and powerful development of this period: the emergence of occidental rationalism. Characterized by a massive degree of abstraction, occidental rationalism brings forth the idea of rules applicable to all circumstances, that is, the idea of technicity and mechanism in which the idea of a transportable middle point finds its parallel. The relationship between the two becomes clear if one considers the foundational relevance of this new rationality for the modern absolute state which as a whole now “appears as a large, artificially constructed, goal-oriented mechanism, a machine which, under the direction of the absolute prince, functions well”<sup>593</sup>. Thus, Schmitt sees in Machiavelli an interest in nothing but the “concrete political situation and its correct political treatment” or, as Schneider puts it: “Machiavelli uncovers the technicity of power. [...] Action is directed only towards the

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<sup>589</sup> Schmitt, Carl. *Land und Meer*, p. 51.

<sup>590</sup> Schmitt, Carl. *Land und Meer*, p. 53.

<sup>591</sup> Schmitt, Carl. *Land und Meer*, p. 53.

<sup>592</sup> Schmitt, Carl. *Land und Meer*, p. 94. The term ‘backward people’ appears in the English original in Schmitt’s text.

<sup>593</sup> Schmitt, Carl. *Absolutismus*, pp. 95-96.

question: how can I, under particular conditions, achieve a specific goal with absolute reliability”<sup>594</sup>. This new, mechanistic view of the state appears simultaneously with a reconception of the very relationship between private subjects, citizens conceived of in an atomistic way such that Hobbes can ascribe to any given individual, that is, any given point in his system the same basic right to disobey the Leviathan when its life is threatened. The transportability of the English island finds its correspondence in an occidental rationalism informed by and oriented towards the natural sciences thanks to which Hobbes “often appears to be able to construct the unity of the state **from any randomly given point**”<sup>595</sup>. Parallel to the development of this conception of the state in internal affairs is the rise of the external, public, inter-stately atomistic system of international law in which states are conceived of as individuals or “*magni homini*” which, like the private citizens of a state, enjoy sovereign autonomy, caught up in a system which could later be conceived of in the particularly scientific terms of a balance of power, measured according to their weight and mass.

England’s decision for the sea and against the land is nothing less than its decision for occidental rationalism. But it is also its decision for Protestantism and against Catholicism, the nations of which appear to have a particularly strong relationship to the land<sup>596</sup>. Is it any coincidence that a Protestant land should dominate the sea? Or is there not some strange parallel at work between Schmitt’s view of Protestantism à la Rudolf Sohm as a rejection of “stable lines and definite lines” and Schmitt’s comment that no lines can be drawn in water? The seas resist all structure; they are international, that is, lawless and the stage of state run piracy; they are flat and, in their absolute horizontality, reject the verticality, that is, the authority and representation “from above”, inherent in all politics.

In order to begin this summary of Schmitt’s reading of the transition from 16<sup>th</sup> to 17<sup>th</sup> century we turned to Schmitt’s conception of a land-taking as the constitutive act of international law, thereby assigning or at least giving the appearance of causality to the relationship between the discovery of the Americas and the modern age as if the rise of occidental rationality were chronologically preceded by this geopolitical shift. Now, while it is clear from *The Nomos of the Earth* that the land-taking does occupy a constitutive position in Schmitt’s theory, we should also not overlook the fact that Schmitt also writes of occidental rationality as itself the basis upon which a discovery of the Americas was possible in the first place<sup>597</sup>. For, in the end, the very ships which propelled the expansion of the European powers

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<sup>594</sup> Schneider, Peter. *Ausnahmezustand*, p. 70.

<sup>595</sup> Schmitt, Carl. *PT*, p. 40: emphasis – N.H..

<sup>596</sup> Schmitt, Carl. *RC*, p. 10.

<sup>597</sup> Schmitt, Carl. *NdE*, p. 103. Schmitt writes of the discovery of a new world as “an achievement of the newly awakened occidental rationalism” which, as Schneider summarizes “founded such a superiority on the part of



are products of the scientific revolution of this epoch. The reason for which this is important is that it affects the way in which we are supposed to grasp Schmitt's historiography. Thus, without needing to negate the fundamental importance assigned by Schmitt to the primordial act of land-taking, it is necessary that we grasp Schmitt's reading of history not as a series of causally related events, but as a nexus, a singular movement in which various forces and events mutually affect and give rise to one another. Rather, therefore, than conceive of the discovery of the Americas as an origin we might instead see in it the symbol of this transition, the moment in which the inhabitants of a relatively small geographical space now called Europe began to expand into a world of theretofore inconceivable dimensions.

In many ways Schmitt paints a disastrously bleak picture of the transition from medieval terrestrial order to the modern maritime order. It is the dissolution of an order which spanned the period of a millennium, which itself once emerged from the decline of the Roman Empire and the barbaric invasions of the first centuries of the Christian era. It was not a perfect order, but it was a unity and it was destroyed by the onslaught of a technical rationality which did not so much overlook as it did not care for the humanity of an order in which the human being was, for all the sadness of this terrestrial existence, assured some grain of ultimate meaning. Most importantly for this study, the transition from 16<sup>th</sup> to 17<sup>th</sup> century appears to be the scene of the human's death. It is the moment in which a crude Protestant insistence upon the absolute correspondence of form and content, demanded by its technicity, overtook the harmonious partnership of emperor and pope and in which the *civitas* became a machine.

All this is, at least, what a superficial reading of Schmitt's historiography might suggest to us. And yet, upon the closer examination which we will now attempt, there appears a more nuanced, larger and tragic reading of history as a whole of human activity. In order to begin to reveal this deeper meaning of history as it appears in Schmitt's later thought we now turn our attention to an analysis of three figures who capture the philosophical complexity of the transition from 16<sup>th</sup> to 17<sup>th</sup> century: Hobbes, Hamlet and Rudolf II.

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the Europeans 'that the new world could simply be 'taken' [NdE, 103]', Schneider, Peter. *Ausnahmestand*, p. 47.

### 3.1.2. The tragic death of the human

#### 3.1.2.1 Hobbes

“it is necessary to bravely pause by the surface, the fold, the skin, to adore the appearance, to believe in forms, in tones, in words, in the whole *Olympus of appearance*”

Friedrich Nietzsche – *Nietzsche contra Wagner*<sup>598</sup>.

Schmitt's reading of Hobbes proceeds from the notoriety of the philosopher from Malmesbury, whose *Leviathan* appears as the terrible pinnacle of an absolute state conceived of in order to subdue the state of nature and the miserable animal, the wolf which is the human being. Against this perception of Hobbes, Schmitt seeks to describe the central position which Hobbes occupies, not only in the history of modern thought, but as the most powerful manifestation of the transition from medieval to modern. Schmitt's reading is intended not only to make clear the logic and rationale of Hobbes' work, but to reveal its ambiguity and breaking point as well. For, on the one hand, Hobbes is, with his mechanistic materialist perspective – a kind of atomistic individualism according to which human beings are ruled by universal laws of nature much like physical objects, subject to drives (survival, gain) and forces (fear)<sup>599</sup> – the first systematically scientific thinker of politics, the “father of the modern state” and “the completion of the protestant revolution”<sup>600</sup>. On the other hand he was still also not yet “an Enlightener in the style of the 18<sup>th</sup> and least of all the 19<sup>th</sup> century. His enlightenment is not yet arrogant”<sup>601</sup>, not yet fully under the spell of modernity's rampant dualisms. Understanding the transitional position which Hobbes occupies in Schmitt's thought therefore reveals itself as a means of understanding the moment in which the Protestant dualisms of nature and grace, body and spirit, heart and reason ruptured the previously existent unity of human life and the representative rationality of the Catholic Church was lost.

According to Schmitt, the context of Hobbes' philosophical thought are the English

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<sup>598</sup> Nietzsche, Friedrich. *Sämtliche Werke: kritische Studienausgabe in 15 Bänden*, vol. 6, ed. Giorgio Colli andazzino Montinari, München: Dt. Taschenbuch-Verlag 1988, p. 439.

<sup>599</sup> Willms, Bernard. *Die Antwort des Leviathan*, p. 108. Willms' work offers an excellent summary of the philosophical ‘materialism’, in which the human being is ‘material, endowed with the structure of reflection’, which underlies Hobbes' thought (pp. 83-115) as well as the historical situation, namely, the ‘bourgeoisification’ of the English ‘gentry’ (pp. 55-63), which can be seen as the socio-economic context, in contrast to the political context of the English civil wars, which lead up to and surround Hobbes' thought.

<sup>600</sup> Schmitt, Carl. *Die vollendete Reformation*, pp. 51-69 in: *Der Staat* 4 (1965).

<sup>601</sup> Schmitt, Carl. *ECS*, p. 68.

religious civil wars around 1600<sup>602</sup>. Amidst the horrors of these civil wars, Hobbes sought to find a way to overcome seemingly irresolvable religious differences. The solution at which Hobbes arrived was an absolute monarch (the Leviathan) capable of instantiating order. In light of these wars' religious nature, Hobbes removed the right to religious freedom. Hobbes' "early modern state is a man-made artificial product – a creation designed to neutralize the religious conflicts of the early 17<sup>th</sup> century"<sup>603</sup>. It is here that Schmitt begins to formulate his critique of Hobbes by asking whether Hobbes' Leviathan *really* is the solution to civil war which Hobbes claims it is. In order to draw this into question, Schmitt focuses on chapter 37 of *The Leviathan*, where Hobbes attempts to determine how something can be declared a miracle. According to Hobbes, Schmitt writes, "whether something is to be seen as a miracle is decided by the state as public reason, the 'public reason', in opposition to the 'private reason' of the subject of the state"<sup>604</sup>. Here Hobbes, in his consequent authoritarianism, argues for "Auctoritas, non veritas. Nothing here is true, everything is command"<sup>605</sup>. For Hobbes the secularist, the problem of defining a miracle is not a theological, but a political question. Citing Helmut Schelsky, Schmitt writes that "the 'deep meaning of his concept of the Leviathan' lies however therein, that this 'earthly' and 'mortal' God [the Leviathan], present only here below, is completely dependent upon the deeds of man"<sup>606</sup>. Ultimately, the question of "private reason" and internal conviction is secondary because, Hobbes believed, so long as confession can be dictated there will be no religious civil war. Hobbes' attempt to create an absolute state is the product of an attempt to end civil war by an exclusion of personal questions of faith from the political sphere. But at this point, at the high point of the religion and politics unifying sovereign, the breaking point, in the otherwise so closed and irresistible unity, reveals itself. Here, where it is a matter of the miracle and faith, Hobbes dodges the question at the decisive point.

In the question of the belief in miracles Hobbes makes his inexterminably individualistic reservation in such a way that all further discussion of whether Hobbes really was what one calls an "individualist" are rendered superfluous. It is at this point that the distinction between internal faith and external confession enters into the system of the Leviathan<sup>607</sup>.

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<sup>602</sup> Schmitt, Carl. *Der Staat als Mechanismus bei Hobbes und Descartes*, p. 139.

<sup>603</sup> Kahn, Victoria, *Hamlet or Hecuba: Carl Schmitt's Decision*, pp. 67-96 in: *Representations*, vol. 83, no. 1 (Summer 2003), p. 76.

<sup>604</sup> Schmitt, Carl. *Der Leviathan in der Staatslehre des Thomas Hobbes: Sinn und Fehlschlag eines politischen Symbols* (1938), Köln: Hohenheim 1982, p. 84.

<sup>605</sup> Schmitt, Carl. *Der Leviathan*, p. 82.

<sup>606</sup> Schmitt, Carl. *Der Leviathan*, p. 22.

<sup>607</sup> Schmitt, Carl. *Der Leviathan*, p. 84.

Hobbes' "individualism" is not Schmitt's discovery alone. In the same year that Schmitt published *The Leviathan*, A.E. Taylor published *The Ethical Doctrine of Thomas Hobbes*, arguing that the ultimate source of power in Hobbes' political system is not the Leviathan, but the individual's right and drive to self-preservation<sup>608</sup>. This individualism also led René Capitant to argue, also in 1938, that Hobbes' system is fundamentally opposed to the National Socialist totalitarian state<sup>609</sup>. The key to and particularity of Schmitt's interpretation of Hobbes lies in its uncovering of what Schmitt sees as the deeper sense in which Hobbes is an individualist, not just his atomistic, self-preservation oriented system of social contract. For Schmitt, Hobbes' individualism lies in the way that he ushers in the particularly modern individual by dividing man into internal and external. Hobbes splits, so to speak, the atom that is the individual. In short, Hobbes fails in his creation of an absolute state because while the state can, in the hopes of excluding the divisive problem of personal faith from politics, decide what is and what is not a miracle and can even demand of its subjects that they confess their faith in this miracle, Hobbes does not believe that the state can demand that they believe in this miracle. For Hobbes, as for us, the idea of the state dictating inner belief is not only unjust or absurd, it is in a way impossible. Inner conviction is almost by definition opposed to external necessity and belief is only true belief if it is belief in something freely<sup>610</sup>. Whether or not it seems self-evident to us that a state cannot demand internal conviction of its citizens, Schmitt sees therein the state's relinquishing of its claim to absoluteness. As Victoria Kahn puts it, "the point Schmitt wished to make was that the liberal reluctance to infringe on the right of conscience [...] amounted to aesthetic indifference to substantive goals"<sup>611</sup>.

Thus, Hobbes' attempt to create an absolute sovereign could not succeed because, whether he knew it or not, Hobbes was already living in the age of the modern individual. Schmitt makes two points in this reading of Hobbes: first of all, he sees Hobbes' failure to create an absolute state as a consequence of his individualism and, second of all, he defines the individual as the division of the external from the internal. This break between confession (external) and faith (internal) is Hobbes' "original sin" [*Sündenfall*]<sup>612</sup> and it is a manifestation

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<sup>608</sup> Taylor, A.E.. *The Ethical Doctrine of Thomas Hobbes*, pp. 406-424 in: *Philosophy*, vol. 13, no. 52 (October, 1938); see further: Slomp, Gabrielle. *The Liberal Slip of Hobbes' Authoritarian Pen*, pp. 357-369 in: *Critical Review of International Social and Political Philosophy*, vol. 13, issue 2-3 (2010).

<sup>609</sup> Capitant, René. *Hobbes et l'État totalitaire*, pp. 309-317 in: *Le Totalitarisme: Origines d'un concept, genèse d'un débat 1930-1942*, Cerf 2010. The relevant passage reads: "Mais l'idéologie sur laquelle repose le neo-absolutisme du IIIe Reich est radicalement étrangère à la philosophie de Hobbes. Elle est essentiellement organiciste et mystique, alors que le philosophe anglais était profondément individualiste et rationaliste. C'est là que réside l'opposition fondamentale entre la Cité de Hobbes et l'État totalitaire" p. 314.

<sup>610</sup> Kant, Immanuel. *Kritik der praktischen Vernunft*, Stuttgart: Reclam 1961, p. 228: "A belief, however, which is commanded, is an absurdity [*Unding*]".

<sup>611</sup> Kahn, Victoria. *Hamlet or Hecuba*, p. 76.

<sup>612</sup> Bernard Willms, *Die Antwort des Leviathans*, p. 113.

of the hallmark of the modern individual: the division of the person into an external and an internal which, while in some way related, can never be brought into true and perfect unity. It is in this division of the individual that Hobbes' 'responsibility' for the loss of a Catholic, representative rationality becomes clear. This is not to say that the pre-modern individual had no consciousness of some kind of division between the external and the internal, it is to say that with Hobbes this division was, firstly, made absolute and, secondly, raised to the level of a systematic crux. However absolute its say in matters of confession may be, the absolute incapacity of the Leviathan to have a say in matters of faith is merely another manifestation of modern dualistic rationality's rejection of any mediation between the external and the internal. The centrality of the now absolute internal-external divide in Hobbes thought is made clear when Schmitt writes in the introduction to his work on Hobbes: "According to Schelsky's understanding the decisive question is whether the myth of the Leviathan created by Hobbes was up to the task of a true restoration of the primordial unity of life"<sup>613</sup>. To this questions, it would seem that Schmitt answers with a clear and definite no.

Yet, whether Hobbes achieved the restoration of a primordial unity or not, Schmitt's negative answer to this question should be differentiated from his assessment of Hobbes' attempt to restore this unity. This is an important point and it is the point at which Schmitt's reading of Hobbes, as well as of the transition from 16<sup>th</sup> to 17<sup>th</sup> century as a whole moves beyond critique and begins to take on its tragic color.

According to Schmitt's reading of intellectual history, the division of the human being into the external and the internal is not merely a division but also the shift to an increased emphasis on the internal and, more specifically, the belief that the internal is the seat of an essence which is truer than the merely external form in which it manifests itself. That a differentiation between form and matter has been present since the Greeks need not be drawn into question. Schmitt's claim is not that the form/content division did not exist, but that the 17<sup>th</sup> century saw these two elements separated from one another in an absolute sense: form no longer had anything at all to do with essence, just as, in Hobbes' thought, faith and confession are absolutely divided from one another. Schmitt believes that the protestant modern has lost a feel for the written, that is, for external form. In light of and against this modern denial of "mere form" and fixation with "(more than mere) content"<sup>614</sup>, we can begin to understand Schmitt's affirmation of Hobbes, who, for all his scientificity and his conception of the individual as atom, "did not become an Enlightener in the style of the 18<sup>th</sup> and least of all the 19<sup>th</sup> century. His enlightenment is not yet arrogant. It is a bitter fruit picked in fear and care,

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<sup>613</sup> Schmitt, Carl. *Der Leviathan*, pp. 22-23.

<sup>614</sup> Schmitt, Carl. *Glossarium*, 09.11.47.

the fruit of an era of confession civil war and murderous dogmatism [*Rechthaberei*]<sup>615</sup>. Schmitt sees Hobbes, not only as the debut of the modern cult of individualism, but also as the last cry of pre-modern externality. Again in *Glossarium*, we read: “Hobbes is the true philosopher of the Baroque: the exposing of a facade which spreads itself before the Faustian [...] The Hobbesian division of external and internal, **with the strongest emphasis on the external**, that has something of the exposing of the facade”<sup>616</sup>. Schmitt's appreciation of Hobbes' emphasis on the externality of the “visible power to keep them in awe” is made particularly clear at two points in this statement<sup>617</sup>. The first of these is that Schmitt describes the Hobbesian facade in opposition to the “Faustian”. While Faustian is often used in the positive sense of a constant striving for knowledge, for Schmitt, the Faustian is a negatively connoted term because it is tied to the modern, protestant belief in the truth of essence and spirit eternally unsatisfied with the form and body, a connotation which Schmitt may well have from Oswald Spengler's identification of the occidental modern as “faustian”<sup>618</sup>, as a striving for the endless<sup>619</sup>. Schmitt interprets Hobbes' facade, not as a mere facade, but as a defense of form and the external against the modern belief in the superiority and truer nature of the internal over the external. Hobbes' resort to a facade is unthinkable in the modern age in which the facade is, exclusively, negatively connoted. The second thing to be noted in Schmitt's description of Hobbes' facade is Schmitt's ambivalent use of the word “spread”. The German text reads: “*Hobbes ist der eigentliche Philosoph des Barock: die Herausstellung einer Fassade, die sich vor dem Faustischen spreizt*”. Alone, the verb *spreizen* is transitive and means to spread in the way that one can spread or force two sheets or lines attached to a common axis (legs, fingers). Used reflexively however *sich spreizen* is intransitive and also means to “to rustle oneself up,” “to inflate oneself” or “to vainly gesticulate”. Implicit in *sich spreizen* is both a spreading out of oneself before something as well as a not only playful, but artificial, vain and theatrical aspect. Therefore, when Schmitt says that the façade *sich spreizt*

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<sup>615</sup> Schmitt, Carl. *ECS* p. 68.

<sup>616</sup> Schmitt, Carl. *Glossarium*, 12.11.47.: *emphais – N.H.*

<sup>617</sup> Hobbes, Thomas. *Leviathan*, p. 106: “The final cause, end, or design of men (who naturally love liberty and dominion over others) in the introduction of that restraint upon themselves in which we see them live in commonwealths is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of war, which is necessarily consequent (as hath been shown) to the natural passions of men, when there is no visible power to keep them in awe and tie them by fear of punishment to the performance of their covenants and observation of those laws of nature set down in the fourteenth and fifteenth chapters”.

<sup>618</sup> See: Breuer, Stefan. *Carl Schmitt im Kontext*, ch. X.

<sup>619</sup> Cf. Spengler, Oswald. *Der Untergang des Abendlandes. Umriss einer Morphologie der Weltgeschichte, Band 1: Gestalt und Wirklichkeit*, München: Beck 1923, p. 235: “From now on I want to refer to the soul of antique culture, which chose the sensibly present individual body for the ideal type of extension, as apollonian. This characterization is understandable to everyone since Nietzsche. In contrast to it, I place the faustian soul, of which the primordial symbol is the pure, boundless space and the ‘body’ of which is the occidental culture”.

(literally: spreads itself) he means not only that the Hobbesian façade inflates before the Faustian insistence on the “more than mere” essence in defense of form and externality, but that it does so in a theatrical, self-conscious and in some way inauthentic manner. Yet Schmitt does not, as Schmitt’s Sohm might, therefore hold it to be less true simply because it is in some way 'inauthentic' or theatrical. Rather, it is the last attempt of a pre-dualistic thought to prevent the irruption of an invisible interiority, distorted by the extremity of the situation to the point of theatricality.

In a journal entry dated November 11<sup>th</sup>, 1947 we read the following about Hobbes' relationship to death:

Always the fear of death; [...] Hobbes does not shudder before death; but he sees it. He seeks protection in power [...] Life is the facade before death (Baroque). The Leviathan itself is a facade<sup>620</sup>.

Here Schmitt begins to explain why Hobbes resorts to a mere facade. The facade is a reaction to the divide, it expresses what has been called the Baroque's “horror of the vacuum, of naked spaces”<sup>621</sup>. For Schmitt, Hobbes' constructing of the Leviathan is the desperate, despairing, failed and tragic attempt to cover up this divide between external and internal. Understanding the role of fear in Hobbes' thought, not as a function or mechanism within Hobbes' state, but as the existential angst motivating his manic absolutism, complicates Schmitt's negative judgment of Hobbes. It suggests that Hobbes' failure, his creation of a mere facade, was not the creation of a *mere* facade, but the last attempt to cover an overwhelming nothingness. For Schmitt, only if we take seriously the idea of nothingness, if we rediscover the *horror vacui*, can we understand the logic of Hobbes' creation of the Leviathan<sup>622</sup>. Schmitt understands the facade as the reaction to a primal fear of nothingness, a horror vacui which we have lost and his affirmation of Hobbes is his affirmation of Hobbes as anti-nihilist. Here a parallel between the façade and the decision becomes visible. Just as the decision is meant to

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<sup>620</sup> Schmitt, Carl. *Glossarium*, 12.11.47.

<sup>621</sup> Carpentier, Alejo. *The Baroque and the Marvelous Real*, pp. 89-108 in: *Magical Realism: Theory, History, Community*, ed. Lois Parkinson Zamora and Wendy B. Faris, Durham, N.C.: Duke University Press 1995, p. 93.

<sup>622</sup> Schmitt, Carl. *Land und Meer*, pp. 66-67: “Formerly men were afraid of the emptiness; they had the so-called *horror vacui*. Now they forget their fear and find ultimately nothing more to the thought that they and their world exist in emptiness. The writers of the enlightenment of the 18th century, foremost Voltaire, even felt themselves very proud of such a scientifically provable imagination of the world in an endlessly empty space. But try once to truly imagine to yourself a truly empty space! Not only an empty airless space, but a space also empty of even the finest and most sublime material! Try once to truly separate space and material from another in your imagination and to consider the one without the other! You can just as well consider absolute nothingness. The Enlighteners have laughed much about that *horror vacui*. But it was perhaps only the tangible shudder before nothingness and the emptiness of death, before a nihilistic idea and nihilism as such”.

combat the chaos of an absolute nothingness, so too the facade of the Leviathan is meant to cover this absolute nothingness.

The ambivalence of Schmitt's Hobbes-interpretation is brought to a head in *Glossarium's* November 11<sup>th</sup>, 1947 journal entry where he writes that "The Leviathan is itself a facade, the facade of authority [*Herrschaft*] before power [*Macht*]; that secretive curtain on the title page of the Leviathan; but not 'mere' facade; not mere appearance or appearance; prestige, glory, honor, representation, omnipotence, but precisely still only external omnipotence"<sup>623</sup>. In the end we are left with no single conclusion on Schmitt's part, but rather a series of three assertions: 1. the Leviathan is a facade; 2. the Leviathan is however not merely a facade; 3. but the Leviathan is still only merely a facade. Despite the unsatisfying ambivalence of this statement, the importance of considering Schmitt's relationship to Hobbes' belief in externality is that it reveals how conflicted Schmitt's relationship to Hobbes in fact is. It is this ambivalence which has lead Victoria Kahn to write that Schmitt "praises Hobbes' decisionism and absolutist conception of the sovereign, but criticizes Hobbes' proto-liberal, mechanistic understanding of the state"<sup>624</sup> and "reluctance to infringe on the right of conscience"<sup>625</sup>. Here, however, it seems to me that we are dealing with more than a mere alternation between praise and criticism and certainly with more than a mere underscoring of Schmitt's pre- or anti-modernism. Thus, while there is undoubtedly a moment of critique as well as a moment of affirmation, and while these two moments are to a certain extent respectively aligned with the modern and the pre-modern, it is important that we grasp them not so much as two distinct moments, but as one historically contingent failed attempt to overcome the "murderous dogmatism" of "confessional civil war"<sup>626</sup>.

This ambivalence is further visible, though too often ignored, in the very title of Schmitt's work. In the English language translation, the subtitle of Schmitt's work (*Sinn und Fehlschlag eines politischen Symbols*) is translated, and not altogether incorrectly so, as *Meaning and Failure of a Political Symbol*<sup>627</sup>. But the German word translated as "failure" is *Fehlschlag*, a composite noun which consists of the prefix *Fehl* (which shares and etymology with failure and lends the word its translation) and the substantive *Schlag*, meaning "strike". What one must consider, in other words, is that Schmitt consistently emphasizes not only Hobbes' failure, but his strike as well, his attempt. More thoroughly translated, therefore, the

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<sup>623</sup> Schmitt, Carl. *Glossarium*, 12.11.47.

<sup>624</sup> Kahn, Victoria. *Hamlet or Hecuba*, p. 74.

<sup>625</sup> Kahn, Victoria. *Hamlet or Hecuba*, p. 76.

<sup>626</sup> Schmitt, Carl. *ECS*, p. 68.

<sup>627</sup> *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, trans. George Schwab and Erna Hilfstein, Chicago: University of Chicago Press 2008.



title should read 'Meaning and Failed *Attempt* of a Political Symbol'.

At the end of the last chapter we have already seen how Schmitt's concept of the political can only be fully understood as a tragic vision of human activity. In order to now describe this apparent alternation between critique and affirmation of the transition from medieval to modern as the singular, contingent moment which it really is in Schmitt's thought, I would like to further employ the term "tragic". In his essay *The Concept and Tragedy of Culture*, Georg Simmel offers the following, for our purposes illustrative, description: "For, what we characterize as a tragic fate – in contrast to a sad or destructive fate from the outside – is undoubtedly this: that the forces which aim to destroy a being spring out of the deepest levels of this being itself"<sup>628</sup>. Schmitt's argument is not so much the alternation between praise and criticism but these the two ends of the tragic knot in which Hobbes' thought is caught. Thus, while Kahn is not incorrect to see that Schmitt 'criticizes' Hobbes' division of the human, this very criticism is not merely opposed to Schmitt's 'praise' of Hobbes' "absolutist conception of the sovereign". Faced with an absolute division between Catholics and Protestants, both of which – including the Catholics – are unwilling to accept any mediating instance, Hobbes' sought precisely such a moment of mediation in which, even if not fully reconciled with one another, some basic foundation, the "minimal degree of form" from *Roman Catholicism*, might be achieved. The tragic nature of Hobbes' thought lies therein that the very means by which Hobbes sought to effect some degree of mediation between absolutely divided parties was the division of the individual into internal and the external, and in fact the ultimate culmination of this very modern nihilism. Hobbes became, to borrow and slightly modify the title of an essay published by Schmitt in 1941 on the occasion of the US's entrance into World War II, an 'accelerator against his will'<sup>629</sup>. Hobbes' restoration of public peace, the unification of religion and politics, was possible only at the cost of a displacement of civil war into the individual, the separation of internal and external, the full brutality of which befell Hamlet. In short, the tragicity of Schmitt's Hobbes interpretation is by no means merely the tragedy of Hobbes, but rather the tragedy of an epochal transition, the great symbol of which, the rupturing of a holistic concept of the human, is to be found not only in Hobbes' work, but also in the crisis of Hamlet.

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<sup>628</sup> Simmel, Georg. *Der Begriff und Tragödie der Kultur*, pp. 55-76 in: *Grundlagentexte Kulturphilosophie*, ed. Ralk Konersmann, Hamburg: Meiner 2009, p. 72.

<sup>629</sup> Schmitt, Carl. *Beschleuniger wider Willen oder: Problematik der westlichen Hemisphäre* (1942), pp. 431-440 in: *SGN*.

### 3.1.2.2. Schmitt's historical reading of Hamlet

The explicit goal of Schmitt's Hamlet analysis is to reveal the difference between tragedy and mourning play and to argue that, in contrast to the mourning play, the tragic has its source in history. In the case of Hamlet, this means that Shakespeare's tragedy, written at the very beginning of the 17<sup>th</sup> century, is concretely tied to the transition from 16<sup>th</sup> to 17<sup>th</sup> century. Conversely, however, this also means that, as tragedy, Hamlet reveals the epochal transition in its tragic character.

Regarding the initial difference between tragedy and mourning play Schmitt writes that

we must differentiate between mourning play and tragedy. Unfortunately we have gotten used to simply germanizing the word tragedy [*Tragödie*] with the word mourning play [*Trauerspiel*] and to thereby confuse both of them. [...] Nonetheless it is necessary to differentiate and divide mourning play and tragedy, in order that the specific quality of the tragic is not lost and the seriousness of a true tragedy does not disappear<sup>630</sup>.

As Schmitt defines it the difference between tragedy and mourning play is that the mourning **play** – the word is in its very name – always remains a play, a game, divorced from the serious<sup>631</sup>.

For this reason Schmitt can also speak of an “incompatibility of tragic and free invention”<sup>632</sup>, by which he means that “the most ingenious of invention does not help here. The core of the tragic even, the origin of its tragic truthfulness is something so irrevocable that no mortal can think it up and no genius can invent it”<sup>633</sup>. This definition of the difference between tragedy and the mourning play is hardly surprising for anyone familiar with his earlier works. One is reminded by Schmitt's juxtaposition of tragedy to the “pleasure of the aesthetic” of his formulation in *Concept of the Political* that a depoliticized world would be, as Leo Strauß pointed out, “a world of entertainment, a world of amusement, a world without seriousness”<sup>634</sup>. In short, Schmitt's insistence on Hamlet as a tragedy is his insistence on the

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<sup>630</sup> Schmitt, Carl. *Hamlet oder Hekuba: Der Einbruch der Zeit in das Spiel* (henceforth: *HH*), Düsseldorf – Köln: Eugen Diedrich 1956, p. 47.

<sup>631</sup> Schmitt, Carl. *HH*, p. 45. “It is completely unthinkable that Shakespeare intended nothing other with the Hamlet drama than to turn Hamlet into Hecuba and that we should cry for Hamlet as the actors cried for the Trojan queen. Indeed, however, we would cry for Hamlet like we cry for Hecuba if we wanted to separate the reality of our current existence from the play on stage. Then our tears would be the tears of actors. We would no longer have either concern or task and would have traded them in for the pleasure of the aesthetic interest”.

<sup>632</sup> Schmitt, Carl. *HH*, pp. 46-51.

<sup>633</sup> Schmitt, Carl. *HH*, p. 47.

<sup>634</sup> Strauß, Leo. *Notes on Carl Schmitt*, p. 116; Strauß's comment comes in reference to *BdP*, p. 50.

political<sup>635</sup> and the serious case (*Ernstfall*) over and above liberalism' culture of endless discussion<sup>636</sup>. The German word for conversation, *Unterhaltung*, also means 'entertainment'.

Yet, a definition of tragedy which merely analogizes it with the political fails to recognize the source of concrete reality proper to tragedy. Schmitt's sees the source of tragedy not, as Nietzsche does, in the spirit of music, nor is it Wiliamowitz-Moellendorff's definition of attic tragedy as a piece of myth or heroic saga<sup>637</sup>. For Schmitt, the source of the tragic is history.

The true tragedy has a specific and extraordinary quality in contrast to any other form, also in contrast to the mourning play, a kind of surplus [*Mehrwert*], which no consummate play ever achieves [...] This surplus lies in the objective reality of the tragic even itself, in the enigmatic entanglement and involvement of indisputably real people in the unpredictable process of indisputably real events<sup>638</sup>.

Schmitt's belief that the source of tragedy lies in history leads him to a critique of purely "literary" analyses of Hamlet. Thus, Schmitt opens his work on Hamlet by referencing the "endlessly many interpretations" which the drama has been subject to: the Sturm und Drang poets of the 18<sup>th</sup> century: Lessing, Herder, Goethe, who, Schmitt claims, turned Hamlet into a "Werther, who perishes under an all too heavy mission," the 19<sup>th</sup> century interpretation which juxtaposed Hamlet as a passive counterpart to the activity of Faust and saw in him "a combination of genius and madness," as well as the early 20<sup>th</sup> century psychoanalytic analysis of Hamlet. In addition to these lines of interpretation, however, Schmitt also notes that "Out of such an excess of psychological interpretations a labyrinth without escape has been created [...] As an understandable reaction against the psychologizing, there arose in Anglo- Saxon lands after the first world war a strictly historical line of interpretation [...] Shakespeare was now, above all a poet of the theater of the Elizabethan age who composed his pieces for a London audience"<sup>639</sup>.

Though with a much larger historical context, it is in line with such historical readings that Schmitt puts forth his interpretation of Hamlet's tragedy, his attempt to fill the vacuum created in the field of aesthetics by German Idealism<sup>640</sup>. The historical reading which Schmitt proposes in opposition to purely literary analysis has two levels on which it functions. Firstly,

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<sup>635</sup> Regarding the tragic-political comparison see also Carlo Galli's description of both as, in the terms of *The Concept of the Political* "lacking a substantive field": Galli, Carlo. *Hamlet*, p. 73.

<sup>636</sup> Schmitt, Carl. *BdP*, p. 33; 37.

<sup>637</sup> Schmitt, Carl. *HH*, pp. 47-48.

<sup>638</sup> Schmitt, Carl. *HH*, p. 49.

<sup>639</sup> Schmitt, Carl. *HH*, pp. 9-10.

<sup>640</sup> Schmitt, Carl. *Was habe ich getan?* (1957), pp. 13-19 in: *Schmittiana: Band V*, p. 18.

in order to introduce this historical motive, Schmitt begins by discussing two aspects of *Hamlet* which, he claims, Shakespeare drew directly from the historical circumstances of his time. The first is the “taboo of the queen,” the question whether Hamlet's mother bears guilt in the death of his father. Schmitt believes that Shakespeare had to leave this question open because, conversely, his patron Jacob Stuart was likewise prohibited from ever suggesting that his mother (Mary Stuart) was innocent of murdering her husband. The second and related instance in which the immediate political context influenced Shakespeare is “the figure of the avenger,” (Hamlet) whom, Schmitt claims, Shakespeare based directly upon Jacob Stuart. He argues that Shakespeare's work is actually inexplicable without taking into account these concrete circumstances surrounding the writing of the play<sup>641</sup>. Yet, behind this immediate political situation, of which everyone in the audience would have been aware, there is the second, and more important level of history at work in the play: the world-historical transition of the 16<sup>th</sup> and 17<sup>th</sup> centuries, of which it is unlikely that anyone in the audience was aware. Here Schmitt is far less explicit. Nonetheless, he draws back his historical perspective to this second level on two important occasions: first, very briefly in the introduction by framing Shakespeare not only in terms of English history, but in terms of the “general disquiet of the times – civil and national wars between Catholicism and Protestantism in all of Europe, religious and political persecution of all kinds”<sup>642</sup>, and secondly, when Schmitt discusses the four “results” of his study at the very end of the book: “The last and highest gain, at which the actual ambition of my efforts regarding the Hamlet problem are directed, should here, in closing, at least be implied”, namely, “that we – differentiating mourning play and tragedy – recognize the irrevocable core of a one time historical reality, elevated above any subjective invention, and grasp its elevation to myth”. Schmitt then goes on to clarify the nature of this myth by contrasting Hamlet to the two other great symbolic figures of European poetry:

Don Quixote, Hamlet and Faust. Of them one, Hamlet, has already become a myth<sup>643</sup>. All three are strangely book readers and, in so far, one could say, intellectuals. All three are reeling from spirit. If we now pay attention to their origins and their provenance: Don Quixote is Spaniard and purely Catholic; Faust is German and Protestant; Hamlet stands between the two in the middle of the division which has determined the destiny of Europe<sup>644</sup>.

Important here is to note how Schmitt locates Hamlet as standing *between*

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<sup>641</sup> Schmitt, Carl. *HH*, pp. 13-32.

<sup>642</sup> Schmitt, Carl. *HH*, p. 19.

<sup>643</sup> Though Schmitt only names Hamlet here, it is interesting to note that in one of his earliest text's Schmitt wrote of Don Quixote as a literary figure which has become myth. See: Schmitt, Carl. *Don Quixote und das Publikum*.

<sup>644</sup> Schmitt, Carl. *HH*, p. 54.

Catholicism (the pre-modern) and Protestantism (the modern) – the same middle-position occupied by Hobbes's neutral secular state –, in order to understand that, as Carlo Galli has written, “*Hamlet or Hecuba* cannot be completely explained without reference to the great systematization of the relationship between the earth and the sea that Schmitt gave his research starting in the early 1940's and culminating in *The Nomos of the Earth*”<sup>645</sup>. It is, in other words, the introduction of this second level of historical reality, the world historical transition from 16<sup>th</sup> century theology, terrestrial existence and Catholicism, to 17<sup>th</sup> century metaphysics, maritime existence and Protestantism, which is the key to understanding *Hamlet or Hecuba*.

By extension, Hamlet's personal suffering, his silence, can only be understood as the inability to express the entrance of modern interior individualism which we have been discussing: “*the mute testimony of a loss*,” the irreconcilable division of man into external and internal, of “unsayability,” “that rupture that Hamlet, with his silence, indicates”<sup>646</sup>. Hamlet cannot externalize himself because he has seen into the invisible essence of modern individualism which, like a faith infinitely divided from confession, denies all attempts at expression, that is, any profession of faith or confession. For, if Hamlet is the mute testimony of a loss, then the question poses itself: what was lost? Schmitt's answer to this is overarching: the stable order of theology, the old order of things, Christian Europe, the unity of religion and politics and “the primordial unity of the human being and life”, in short, the human and a ratio capable of mediation.

With this insight into the relationship between Hamlet and history, we can begin to see an also more intimate relationship between Schmitt's interest in Hamlet and his interest in Hobbes. We can begin to see, that is, that Hobbes not only failed to find a solution to civil war, but that part of this failure's tragicity lies therein that, by paying for public peace with the absolute division of the human being into internal and external, Hobbes did not defeat or eliminate the vacuum, but merely banished it, relocating its seat to the individual. What Schmitt effectively believes is that the existential anxiety from which Hamlet suffers is nothing but the very horror vacui of civil war which so fundamentally motivates Hobbes' thought. It is, in other words, no coincidence that the modern, divided individual emerges at the historical moment of Protestantism's rise. The consequence of this mere relocation of the chaos of civil war is that, while the state appeared to have been reunified under the absolute monarch of the Leviathan, the horror vacui persisted and that it was not just an undefined nothingness into which Hamlet gazed but, quite concretely, the chaotic vacuum of his being

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<sup>645</sup> Galli, Carlo. *Hamlet*, p. 67.

<sup>646</sup> Galli, Carlo. *Hamlet*, p. 78.

divided in civil war. Put another way, Hamlet suffers under that rupture between external and internal which Hobbes, despite his great efforts, could not hide. It is the tragedy of Hamlet that he have to carry and confront not the personal mourning of his father's death but that he carry the weight of an epochal revolution.

### 3.1.2.3. Rudolf II.

If Hobbes may be seen as the primary theoretical expression of a human rationality's tragic attempt to withstand the conquest of a modern dualistic reason and if Hamlet is the literary expression of the first, horrific experiences of the modern, divided individual, then it is Rudolf II whom Schmitt identifies as the concrete political example of the human's tragic position amidst the epochal transition. The historical-political context in which Schmitt locates Rudolf is the particular situation in Germany in the early 17<sup>th</sup> century, in particular in its relationship to the world-historical transition from land to sea. As Schmitt sees it, Germany found itself in a fundamentally different position than the rest of continental Europe. Germany's particular position in Europe was defined by an internal division along religious lines which, while mirroring "the worldwide world-opposition between Catholicism and Protestantism related to the land-taking of the new world", was "something completely different"<sup>647</sup>. For, "the struggle of the world-taking powers had long since surpassed the initial opposition between Catholicism and Protestantism and, far beyond the inner-German question, attained the much deeper and more precise opposition of Jesuitism and Calvinism"<sup>648</sup>. Germany's problem was not so much the division between Catholicism and Protestantism, it was much more the difficult middle position created by this opposition. Between Jesuitism and Calvinism, i.e. Catholicism and Protestantism in their most typically extreme expressions, stood the particularly German confession of Lutheranism. "The hatred of the Lutherans for the Calvinists was no less than their hatred of the papists and also no less than the hatred of the Catholics for the Calvinists"<sup>649</sup>.

All of this might have been fine – Germany's particular situation had been kept more or less under control and "Even in 1612 there were negotiations about [the Lutheran prince-electors of Saxony's] joining the Catholic League"<sup>650</sup> – if the countries surrounding Germany had not embarked upon the conquest of overseas territories and thrown Germany before the absolute opposition of Jesuit Catholicism and Calvinism. Yet Germany had neither already

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<sup>647</sup> Schmitt, Carl. *Land und Meer*, p. 81 German original: "der weltumfassende, die Landnahme der neuen Erde betreffende Weltgegensatz von Katholizismus und Protestantismus".

<sup>648</sup> Schmitt, Carl. *Land und Meer*, p. 81.

<sup>649</sup> Schmitt, Carl. *Land und Meer*, p. 82.

<sup>650</sup> Schmitt, Carl. *Land und Meer*, p. 81.

decided nor, more importantly, was Germany able to decide<sup>651</sup>. Faced with choosing between two parties, both of which they loathed, “Non-Jesuit and non-Calvinist Lutheran German princes and estates sought to escape this argument which was foreign to them”<sup>652</sup>.

Only one German in these, for Germany, so inactive years of 1550 to 1618 has become the hero of an important mourning play: the emperor Rudolf II. You will have heard little of him and one cannot really say that he lives on in the historical memory of the German people. Yet his name belongs to this context and a great German dramatist, Franz Grillparzer, places him in the middle point of a tragedy: “A Fraternal Feud in Habsburg”. The problem and magnitude of the Grillparzerian piece and of its hero lie therein that Rudolf was not an active hero but rather a restrainer, a delayer. He had something of a ‘katechon’, a concept which we have already mentioned at another point (p. 19). What could Rudolf do in Germany’s position at the time? It was already an achievement if he actually restrained and delayed the outbreak of the Thirty Years’ War for decades<sup>653</sup>.

In Rudolf II is collected all the tragedy of those princes neither Jesuit nor Calvinist and that means those princes still in possession of a healthy human understanding. Rudolf II’s tragedy is the tragedy of a human rationality which wants to occupy a middle position. The time had come for a decision, but Germany was not ready to make such a decision. This ‘moment of decision’ is not only relatable to Schmitt’s general interest in the “serious case” and the state of exception, but rather a situation which he also identified in more concretely similar terms at the end of *Roman Catholicism*: “There is, nevertheless, a type of decision the Church cannot avoid – a type of decision that must be made in the present day, in the concrete situation, in every single generation”<sup>654</sup>. The inevitability of a certain dualism is a reality with which the human rationality must deal and which it, as an act of mediation, even presupposes to a certain extent. Yet the question raised by Hobbes, Hamlet and Rudolf II is whether such a mediation is possible in the modern age or whether the dualism of the modern age has become so absolute that the decision has the effect of necessarily dementing the holism of this

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<sup>651</sup> Schmitt, Carl. *Land und Meer*, p. 81.

<sup>652</sup> Schmitt, Carl. *Land und Meer*, p. 82: “Nicht-jesuitische katholische und nicht-calvinisch lutherische deutsche Fürsten und Stände suchten dem ihnen innerlich fremden Streit zu entgehen”.

<sup>653</sup> Schmitt, Carl. *Land und Meer*, p. 80. German original: “Nur ein einziger Deutscher dieser für Deutschland so tatenarmen Jahre von 1550 bis 1618 ist zum Helden eines bedeutenden Trauerspiels geworden: der Kaiser Rudolf II. Du wirst wenig von ihm gehört haben, und man kann wirklich nicht sagen, daß er in der geschichtlichen Erinnerung des deutschen Volkes weiterlebe. Dennoch gehört sein Name in diesen Zusammenhang, und ein großer deutscher Dramatiker, Franz Grillparzer, stellt ihn mit Recht in den Mittelpunkt einer Tragödie: “Ein Bruderzwist in Habsburg”. Problematik und Größe des Grillparzerschen Stückes wie seines Helden liegen aber gerade darin, daß Rudolf II. kein aktiver Held, sondern ein Aufhalter, ein Verzögerer war. Er hatte etwas von einem ‘Katechon’, ein Begriff, den wir, in anderem Zusammenhang (S. 19) schon einmal erwähnt haben. Was konnte Rudolf in der damaligen Lage Deutschlands auch tun? Es war schon eine Leistung, wenn er wirklich den Ausbruch des Dreißigjährigen Krieges um Jahrzehnte aufgehalten und verzögert hat”.

<sup>654</sup> Schmitt, Carl. *RC*, p. 39.

rationality, rendering all attempts at mediation inherently tragic. As such the tragic would not merely be a description of certain attempts to establish a human rationality in the modern age, but rather a structural feature of the healthy human rationality as it exists under the conditions of modernity.

### 3.1.3. The tragedy of jurisprudence as inhabitant of the modern

In discussing Schmitt's reading of Hamlet as a manifestation of the world-historical transition from 16<sup>th</sup> to 17<sup>th</sup> century we have stressed the way in which this transition brought with it an invisible interiority absolutely separated from external expression, thus rendering impossible the mediation which characterizes Schmitt's concept of a particularly human, representative rationality. As such we have repeatedly characterized the transition from 16<sup>th</sup> to 17<sup>th</sup> century as the location of this human rationality's 'death' or 'disappearance'. That this rationality 'died', in the sense that it ceased to exist, is not, however, entirely true<sup>655</sup>.

That human rationality did not simply die is made clear when we consider that Schmitt repeatedly describes post-transitional phenomena and figures as in possession of the healthy human understanding. There is, for instance, the Catholic Church, still specifically juristic in its thought and "always on the side of the healthy human understanding"<sup>656</sup>. We have also already pointed to Schmitt's interpretation of Donoso Cortés deeply human-rational character. The continued existence of the healthy human understanding beyond the events of the 17<sup>th</sup> century is evidenced further by the strong relationship between the human rationality and jurisprudence which, even in its secular form "manifests a certain *complexio* of competing interests and tendencies", "a curious mixture of traditional conservatism and revolutionary resistance in line with nature law"<sup>657</sup>. That Schmitt saw in the juristic discipline the continuation of a medieval, Catholic rationality, and that the Catholic rationality is fundamentally juristic in nature, should make evident that while theology may have had its day, the healthy human understanding lived on.

At the same time this should not lead us to overthrow our observations regarding a certain demise of this rationality and the parallels we have made clear between Hobbes' absolute division of the individual, Hamlet's existential despair and modernity's incapacity for mediation. What I would therefore like to suggest is that Schmitt's arguments for both a death and yet continued existence of human rationality can be brought together if we grasp the transition from 16<sup>th</sup> to 17<sup>th</sup> century as a fundamental transformation of the conditions under

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<sup>655</sup> Colliot-Thélène, Catherine. *Carl Schmitt versus Max Weber*, p. 148.

<sup>656</sup> Schmitt, Carl. *RC*, pp. 13-14.

<sup>657</sup> Schmitt, Carl. *RC*, p. 29.



which this human rationality exists. What we are dealing with in the transition from 16<sup>th</sup> to 17<sup>th</sup> century is, in other words, not so much the death of the human rationality as the end of its self-evident and the beginning of its tragic existence: Human rationality lives on, and yet, can do so only in a tragic form. Not so much human rationality as such, but rather human rationality as the unproblematically harmonious mediation of the *idée générale* and the particular has been lost. The loss of this self-evidence and holism renders all attempts at the implementation of a mediating rationality fundamentally tragic undertakings.

In order to illustrate this tragic nature of human rationality as it expresses itself in the transition from 16<sup>th</sup> to 17<sup>th</sup> century, I would now like to examine one example of how Schmitt assigns a particular tragicity to the healthy human understanding as it manifests itself in a post-transition modern, namely, in his narrative of European jurisprudence.

With the birth of modernity, theology made way not only for metaphysics, but for the rise of modern jurisprudence as well. The Thirty Years' War brought forth not only the completion of the Reformation and the reduction of religion to a merely internal, private affair, it also brought forth the *jus publicum europaeum*. Historiographically speaking, therefore, jurisprudence belongs fully to the modern. Schmitt's perception of European jurisprudence as a decidedly modern phenomenon is made no where clearer by Schmitt than when he reminds us of what the jurist Albericus Gentilis is said to have told the theologians: *Silete, theologi, in munere alieno!*: silence, theologian, in foreign matters<sup>658</sup>. The theologians, who "stood with such doctrines and concepts entirely on the ground and in the institutions of the well-organized order of an *auctoritas* and even a *potestas spiritualis*"<sup>659</sup>, were no longer equipped to handle the reality of the present age. In the context of what we have seen in our examination of Hobbes and Rudolf II, the narrative of a modern jurisprudence, powered by a scientific, secularized mode of thought and filled with the arrogance and pretention that the modern age was theirs, would seem to place jurisprudence not only on the side of the modern, but therefore in direct opposition to the Catholic, pre-dualistic theological rationality. At the same time, we have also spent considerable energy in chapter 1, exploring how Schmitt sees jurisprudence, or more precisely juristic thought, as a carrier of the healthy human understanding. These two facts leave us with the contradictory arguments that, on the one hand, the transition from 16<sup>th</sup> to 17<sup>th</sup> century brought with it the absolute dualisms of modernity and therefore the end of human rationality while, on the other hand, jurisprudence – one of the most powerful symbols of medieval theology's defeat – is, for Schmitt, the very guardian of this healthy human rationality. It is in this sense in particular that I wish to qualify

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<sup>658</sup> Cf. *BdP*, p. 15; *ECS*, p. 70.

<sup>659</sup> Schmitt, Carl. *ECS*, p. 71.

the idea of a death of the healthy human understanding and try to suggest that we are dealing with a structural transformation of human reason which is manifest in the necessarily tragic appearance which such rationality is forced to adopt in the modern age. An analysis of Schmitt's narration of jurisprudence's history should confirm this thesis.

In *Ex Captivitate Salus: experiences from the years 1945/47*, Schmitt writes of the tragic at two points and in both cases in the context of discussing the position of jurisprudence. The first statement of importance for this study comes when Schmitt writes: "I know, as a jurist, what that means. I know the *small* tragedy of human dogmatism [*die kleine Tragik menschlichen Rechthabens*]"<sup>660</sup>. Not only do we have an appearance of the word "tragedy", we have it, despite a missing causal conjunction, brought into close proximity with Schmitt's understanding of what it means to be a jurist. Schmitt knows the tragedy of human dogmatism **because** he has devoted his life to the study of jurisprudence. Schmitt continues: "Furthermore, I know European international law and its history. I am today – in spite of Quincy Wright – the only legal scholar in the world who has grasped and experienced the problem of the just war, including, unfortunately, the civil war. I know, therefore, the *great* tragedy of human dogmatism"<sup>661</sup>. Setting aside an attempt to differentiate between small and large tragicity, we can turn to look at what Schmitt means by the "tragedy of human dogmatism".

We see the tragicity induced by this dogmatism once more when we turn to the title essay of this work, *Ex Captivitate Salus*, in which Schmitt employs the term "tragic" a second time when he asks "What will become of jurisprudence in this truly tragic dialectic of law?" What Schmitt means by "this truly tragic dialectic of law" becomes clearer if we focus on the question of civil war which has "a close, specifically dialectical relationship to law"<sup>662</sup>: "The civil war has something particularly barbaric about it. It is war between brothers because it is waged within a common legal order and a political unity which also includes the opponent and because both warring sides absolutely affirm and absolutely deny this common unity at the same time"<sup>663</sup>. What is "particularly barbaric" about civil war is that it is a war which takes place without the possibility of a mediating instance which could determine who is really in the right. In the absence of this mediating instance, the opposing sides "suspend the right of the opponent, but in the name of the law"<sup>664</sup>. Law [*Recht*] both exists, in that each party lays a claim to an absolute and effectively objectively valid right [*Recht*], and does not

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<sup>660</sup> Schmitt, Carl. *ECS*, p. 11.

<sup>661</sup> Schmitt, Carl. *ECS*, pp. 11-12.

<sup>662</sup> Schmitt, Carl. *ECS*, p. 57.

<sup>663</sup> Schmitt, Carl. *ECS*, p. 56.

<sup>664</sup> Schmitt, Carl. *ECS*, p. 57.

exist, in that law has been suspended and subsumed into nothing more than the claim to being right and therefore within law. Every party is “forced to mercilessly presuppose both its own right [*Recht*] as well as the wrong [*Unrecht*] of its opponent. The one side asserts a legal right, the other a natural right. The one side grants a right to obedience, the other a right to resistance”<sup>665</sup>. “All of this” Schmitt writes “are expressions and appearances of the dialectic relationship of civil war to law”. The tragic dialectic of law is visible therein that in a civil war – and for Schmitt all modern war is fought if not under the theoretical conditions of civil war, then before the possibility of civil war<sup>666</sup> – law has lost its purpose without losing its existence. Schmitt illustrates this by comparing different kinds of war: “There are holy wars, just wars and wars as duel [*Duellkriege*]. The holy war and the war as duel retain something of the original character of a judgment of God. In contrast, the just war places the judgment in the hands of humans. It thus finds its particular character in the age of modern positivism”<sup>667</sup>. The opposition which Schmitt presents us is, as his association of “just war” with the modern suggests, the same historical structure which we have pointed to in our discussion of Hobbes: theology vs. metaphysics, religious vs. profane war. Justifying a war not by means of its holy nature or its duel-like character, but by the tautological fact that it is justified removes the question of war from any point of contact with an objective notion of law. Put into the hands of legal positivism, which “transforms law [*Recht*] into a law [*Gesetz*] made by humans for humans”, the just war is robbed of “the last remnants of a sacred thought”<sup>668</sup>. And yet law does not cease to be law. Law continues to exist, distorted to be sure and distorted to such an extent that it is almost no longer law, but it continues to exist. This is the tragic dialectic of modern jurisprudence: that it can and has been robbed of its essence without ceasing to exist.

But what exactly is this essence, what are these “last remnants of a sacred thought” of which jurisprudence has been robbed and how was it robbed? An answer to these questions and a further insight into the tragedy of jurisprudence is offered us when we look at the historical narrative of jurisprudence which Schmitt describes. When referencing Gentili’s warning to the theologians in *Ex Captivitate Salus*, Schmitt goes on to say “I still hear him calling today”<sup>669</sup>. For, contemplating the position of jurisprudence some 300 years later, Schmitt concludes that “Now it is the jurists who are called to silence. The technicians of the power holders and the dogmatists [*Techniker der Macht- und Rechthaber*] could now – if

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<sup>665</sup> Schmitt, Carl. *ECS*, p. 57; cf. Schmitt’s example of the conflict between employer and employee in *RC*, p. 17.

<sup>666</sup> Schmitt, Carl. *BdP*, p. 43.

<sup>667</sup> Schmitt, Carl. *ECS*, p. 58. Cf. for a different, although in its identification of a transition from medieval to modern legal form not altogether unrelated, narrative: Foucault, Michel. *Die Wahrheit und die juristischen Formen*, trans. Michael Bischoff, Frankfurt a.M.: Suhrkamp 2003, pp. 57-71.

<sup>668</sup> Schmitt, Carl. *ECS*, p. 58.

<sup>669</sup> Schmitt, Carl. *ECS*, pp. 74-75.

there were still so much Latin left – call to them: *Silete jurisconsulti!*<sup>670</sup>. The tragic narrative of jurisprudence stretches from the revelation of theology's unsuitedness and incompetence in the modern era, Albericus Gentilis' *Silete theologie, in munere alieno!* and ends with *Silete jurisconsulti!*. “Those are two strange commands to silence at the beginning and the end of an epoch”. The tragic narrative of jurisprudence is, however, not merely that of a rise and fall and it would not be tragic if it were. What we are searching for is Scheler's “tragic knot”, “the relationship between the two commands” to silence, which Schmitt does not explain, but about which he gives us quite a few clues<sup>671</sup>. The tragic knot of jurisprudence's narrative lies in its relationship to theology. This relationship is not, as Gentilis' command to the theologians might suggest, purely antagonistic. It is the story of a family: “[jurisprudence] descends from noble parents. Its father is the reborn Roman law, its mother the Roman church. The separation from the mother was finally completed after many centuries of difficult conflicts in the age of confessional civil war”<sup>672</sup>. But this separation from the mother that is the Catholic Church is not a clean one; the ecclesiastic heritage of European jurisprudence forms the “remnants of a sacred thought”, which elevates jurisprudence above though does not make it immune to the profanity of modern technicity. Nor was the separation of jurisprudence from theology so much the attempt to free jurisprudence from the church as it was the attempt to save something of the essence of the church itself. The dichotomy which Schmitt presents in *Ex Captivitate Salus* when he writes that “The child held onto its father, Roman law, and left the house of the mother” is mitigated to a certain extent when one returns to *Roman Catholicism* where Schmitt wrote of the Church as “in grand fashion [,] the carrier of the juristic spirit and the true heiress of Roman jurisprudence [...] Therein that she possesses the capacity for juristic form lies one of her sociological secrets”<sup>673</sup>. To hold onto Roman law and leave the house of the mother is therefore nothing other than to hold onto “one of her sociological secrets”, not a departure from the mother but the preservation of a most central core.

Yet the jurists of public law carried on the doctrines and concepts of the sovereign state. Thus they were able to cleanse the doctrine of the just war from the elements of the civil war by separating the question of the *justa causa belli* from that of the *justus hostis* and making clear the old differentiation between enemy and criminal once more. That was their great achievement and the core of a new international law, the *jus publicum Europaeum*<sup>674</sup>.

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<sup>670</sup> Schmitt, Carl. *ECS*, pp. 74-75.

<sup>671</sup> Schmitt, Carl. *ECS*, p. 75.

<sup>672</sup> Schmitt, Carl. *ECS*, p. 69.

<sup>673</sup> Schmitt, Carl. *RC*, p. 18; *RK*, p. 31.

<sup>674</sup> Schmitt, Carl. *ECS*, p. 71.

This is the tragic knot of European jurisprudence. Its great achievement lies in its essence as preserver of the essence of the old order, in preventing the disappearance of *potestas spiritualis* by forming “their own estate with, if not religious [*geistlichen*], nonetheless spiritual [*geistigen*] authority”. And yet, this preservation succeeded only in part, for while it may have been an attempt to save the essence of the church more than an attempt to abandon her, it was a separation and the achievement of European jurisprudence is always “yet” an achievement in the face of the reality that “with the separation from the Roman church” the stable order of theology “was lost”.

“In this way they ended up in a dangerous middle position”. Thus, while jurisprudence defeated the influence of the theologians and in doing so, landed firmly on the side of the Enlightenment and progress, “they remained guardians of a distinct tradition and authority and were, in this regard, conservative”. Just as their authority, though not “religious”, remained “spiritual”, so their authority was “secularized but nowhere near profaned”<sup>675</sup>. Schmitt's introduction of the term “profaned” as an even further step beyond secularization opens up not only interesting possibilities for interpretation of *Political Theology*, it places European jurisprudence, secularized but not profaned, in a middle position.

The narrative of European jurisprudence is the narrative of a failed attempt to save a healthy human rationality. It is the story of a jurisprudence which, arrogant enough to command the theologians to silence, was itself perhaps not entirely aware of the epochal shift which it inaugurated<sup>676</sup> and which, while attempting to preserve some bare minimum of mediation, only rushed towards its ultimate downfall some three centuries later like a tragic hero caught in the maelstrom of an inevitable fate. Yet, while we have investigated this narrative in order to reveal the “tragic dialectic of law”, we have necessarily remained focused on the single phenomenon of European jurisprudence. Our focus on jurisprudence in this section raises an important question for our thesis regarding the structurally tragic nature of the human as it appears in the modern age. In suggesting that Schmitt's concept of the human is plagued by and in some way has the appearance of being inherently tragic we have made a claim which should possess validity for Schmitt's concept of the human as such. Given, however, that our analysis limited itself to the narrative of jurisprudence, one cannot draw a conclusion about a concept of the human as such. The results of our analysis remain valid

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<sup>675</sup> Schmitt, Carl. *ECS*, p. 72.

<sup>676</sup> Regarding the awareness of ‘Europeans’ and, in particular, the jurists at the time, see: *NdE*, pp. 100-102. According to Schmitt the jurists of this period miss the true discovery in question, namely the discovery of “non-European” land by “European” powers. They answer the question “no longer as a pan-European question, but always have only the conflict between individual European land-takers in mind” (p. 100).

only for the narrative of jurisprudence. Nonetheless, what our analysis has attempted to show is merely that Schmitt assigns a particularly tragic nature to the history of European jurisprudence and that this tragedy is both a characteristic of and product of the intimate relationship between jurisprudence and the healthy human understanding. Thus, while the results of our analysis may be limited, they do not lose their suggestive power, a suggestive power which resonates even more strongly when one considers that all the major conceptual paradigms which we have examined exhibit signs of the tragic in their inability to maintain and explicate a mediating position: a decisionism which, unable to fully ground itself, is nonetheless forced to be made; a Catholic Church as the last, loneliest representative of representative thought; a concrete order thought which turns to the institutional and the societal and finds itself thrown back unto the problem of decisionism.

The tragic position of European jurisprudence finds a further parallel in “The two great founders of public law, Bodin and Hobbes”: “outstanding figures and carriers of this transformation of a potestas spiritualis and a middle position”<sup>677</sup>. Schmitt portrays Hobbes and Bodin as figures caught in a fundamental dichotomy: deserters of the church who saw “that the dogmatism of the theologians and sectarians stoked the fire of civil war again and again”, rationalists therefore, “but not in the sense of the following centuries and not in the sense of a positivism and of pure technicity”<sup>678</sup>. “His,” Hobbes’, “enlightenment is not yet arrogant. It is a bitter fruit picked with fear and care, the fruit of an age of confessional civil war and murderous dogmatism”<sup>679</sup>. This middle position is the seat of the tragic knot in European jurisprudence’s narrative. In Weberian tones, Schmitt writes that:

When they carried the sanctuaries out of the church and into the state they did not have the intention of profaning and destroying these sanctuaries; they wanted to save what they could from the rage of the confessional civil war. They did not want to commit robbery from the Church. They only thought of the salvaging of precious goods. But, indeed, we know what happens with salvagings. Their intention was good and honest, even if the historical effects took another course<sup>680</sup>.

We have returned to the tragedy of Thomas Hobbes. Yet the narrative of European jurisprudence as told by Schmitt provides us with a key absent or at least not so explicitly present in Hobbes. Towards the end of *Ex Captivitate Salus*, Schmitt responds to the question he has posed some pages earlier: “What will become of the legal scholar when every ruler

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<sup>677</sup> Schmitt, Carl. *ECS*, pp. 72-73.

<sup>678</sup> Schmitt, Carl. *ECS*, p. 72.

<sup>679</sup> Schmitt, Carl. *ECS*, p. 68.

<sup>680</sup> Schmitt, Carl. *ECS*, p. 72.

[*Machthaber*] becomes a merciless dogmatist [*Rechthaber*]?” His answer is: “I am the last, conscious representative of the *jus publicum Europaeum*, its last teacher and researcher in an existential sense and I experience the end like *Benito Cereno* experienced the voyage of the pirate ship. Here is the time and place for silence. We need not fear anything. In that we are silent, we bethink ourselves and our divine origin”<sup>681</sup>. Much has been made of Schmitt's self-stylizing identification of himself with the eponymous character from Melville's short story *Benito Cereno*, since the biographical implications of this are unavoidable<sup>682</sup>. In the concentrated effort of this study on the concept of the human we should focus our attention on the direct response which Schmitt provides to the question he posed. Schmitt's answer is strangely optimistic. It seems almost a rejection of an ultimate tragedy of jurisprudence – there is nothing to fear. In being silent, that is, in accepting the commandment *Silete jurisconsulti!*, in which *Silete, theologi, in munere alieno!* still echoes, jurisprudence becomes aware of its theological heritage and the similarity of their fates. The importance of this answer becomes clearer when we turn to Schmitt's work on Hobbes, in which this notion of memory finds a similar but also essentially different expression. There, after recalling how Hobbes said of himself “*Doceo, sed frustra*”: 'I teach, but in vain,' Schmitt writes: “Across the centuries we call out to him: *non jam frustra doces, Thomas Hobbes!*”<sup>683</sup>. Schmitt's very personal relationship to Hobbes, as well as to Bodin, is a topic to which he devotes some space in *Ex Captivitate Salus* where he speaks of Hobbes and Bodin as “brothers with whom I have grown into a family over the centuries”<sup>684</sup>. In this sense his relationship to Hobbes seems to have remained the same, in 1938 as well as 1946 it is that of spiritual relatives, brothers, friends. Yet there is a central difference between his descriptions: in 1938 he calls out to Hobbes, in 1946 he reflects upon, recollects and bethinks the philosopher from Malmesbury. Where in 1938 he felt compelled to speak, there is, in 1946, a certain restfulness. Much as it may be a mere change in tone, this is a shift at least symbolically indicative of a transition which bears relevance for the development of Schmitt's thought as a whole<sup>685</sup>. Schmitt's turn to silence, away from the manic decisionism of the sovereign, via the institutional basis of concrete order thought and to an awareness of epochal continuity is also a question: what gives Schmitt the confidence, despite having narrated the tragic decline of jurisprudence, that the efforts of Hobbes to “save what there was to be saved”, symbolic of jurisprudence as a whole, were not in vain?

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<sup>681</sup> Schmitt, Carl. *ECS*, p. 75.

<sup>682</sup> See: Groh, Ruth. *Heillosigkeit der Welt*, pp. 133-155.

<sup>683</sup> Schmitt, Carl. *Der Leviathan*, pp. 131-132.

<sup>684</sup> Schmitt, Carl. *ECS*, p. 64.

<sup>685</sup> Quaritsch sees Schmitt's later works as characterized by “hope”, *Positionen und Begriffe*, p. 123.

In the next part of this chapter we will attempt not only to answer this question but to reveal how Schmitt's philosophy of history, formulated in response to the tragedy of the modern, also represents the attempt to answer this story of loss and the attempt to imbue history with meaning, creating a space for the human.

### 3.2. Carl Schmitt's Katechonal Philosophy of History

In addition to an increased focus on the historical development of the modern and the moment of its birth, Schmitt's later historical reflections are characterized by a, though diffuse, explicit attempt to formulate a philosophy of history. The following section is devoted to describing this philosophy of history in terms of two central and related aspects: firstly, the way in which we can understand Schmitt's philosophy of history as the attempt to conceive of history in a meaningful way and, secondly, the extent to which the possibility of historical meaning itself depends upon the possibility of history being a space for free and particularly human activity. Seen in this way Schmitt's philosophy of history represents yet another field of Schmitt's thought deeply informed by a concept of the human. In order to approach this subject, we will begin by turning to a figure which occupied Schmitt's texts from 1942 until the 1971 publication of *Political Theology II*, a figure which Günter Maschke has called "the truly central thought of Schmitt's political theology"<sup>686</sup>. The figure to which we will turn our attention is the biblical *κατεχων*: katechon, the restrainer (*Aufhalter*), an obscure force charged with the task of holding off the end of the world.

For a long time a large problem with Carl Schmitt's self-described "*théorie du katechon*" was the lack of textual evidence for its importance in Schmitt's thought<sup>687</sup>. However, with the 1991 publication of Schmitt's *Glossarium: Notes from the Years 1947-1951*, several important reflections on this figure made clearer its significance and contributed to the increased attention to Schmitt's political theology and, in the years following, several studies devoted to the role of this figure appeared<sup>688</sup>. While the following section will

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<sup>686</sup> Maschke, Günter. *La rappresentazione cattolica*, p. 569.

<sup>687</sup> In a letter to Pierre Linn, cited by Schmitt in *Glossarium* (11.01.1948), he writes: "*vous connaissez ma théorie du κατεχων, elle date de 1932*". Wolfgang Schuler has suggested, given that Schmitt's first published use of the term comes in *Beschleuniger wider Willen* from 1942, that the date 1932 could be a typo: Schuller, Wolfgang. *Dennoch die Schwerter halten. Der κατεχων Carl Schmitts*, pp. 389–408 in: *Geschichte – Tradition – Reflexion. Festschrift für Martin Hengel zum 70. Geburtstag, Band 2, Griechische und römische Religion*, ed. Hubert Cancik, Tübingen: Mohr Siebeck 1996, p. 404. This seems unlikely to me given that, in a letter to Hans Blumenberg, Schmitt claims to have been working on a theory of the katechon since 1936 (*Hans Blumenberg – Carl Schmitt. Briefwechsel 1971-1978*, ed. Alexander Schmitz and Marcel Lepper, Frankfurt a.M.: Suhrkamp 2007, p. 138).

<sup>688</sup> Works published in the years after the publication of *Glossarium* which feature the katechon as a central concept, be it as the central object of investigation or as a more metaphorical point of reference, include: Motschenbacher, Alfons. *Katechon oder Großinquisitor*; Meuter, Günter. *Der Katechon: Zu Carl Schmitts*



certainly draw on these studies it is important to keep in mind that this chapter is not so much interested in providing a definitive description of the katechon, but rather, in revealing the katechon's relationship to and importance for Schmitt's concept of the human and to do so by analyzing the way in which Schmitt's philosophy of history attempts, corollary to his concept of the political, to construct a temporal space in which human activity becomes possible in its freedom.

In order to reveal this structure I begin by briefly introducing the katechon as it appears in the thought of its earliest interpreters (3.2.1). After reviewing these interpretations, Schmitt's own particular reading of the katechon will be examined according to two important characteristics: its fundamentally anti-nihilist structure and its passive nature. And yet, this passive nature of the katechon returns us once more to the problem of substantive indifference with similarities to that of Schmitt's decisionism, that is, to an inability to determine the contents of the katechon's activity (3.2.2). In order to both address this problems as well as to begin revealing the relationship between the katechon and the concept of the human, I then suggest that we must turn our attention away from the conceptual structure and to the functional importance of the katechon Schmitt's philosophy of history, namely, the creation of historical space (3.2.3). Having revealed this historical space I then discuss its relationship to Schmitt's concept of the human, focusing on two terms Schmitt employs to characterize it: "creaturings" and spatiality (3.2.4).

### 3.2.1. Origins and early exegesis of the katechon

The biblical passage in which the katechon appears is found in Paul's second letter to the Thessalonians, where one reads:

And now you know what is holding him back, so that he may be revealed at the proper time. For the secret power of lawlessness is already at work; but the one who now holds him back will continue to do so until he is taken out of the way.<sup>689</sup>

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*fundamentalischer Kritik der Zeit*; Grossheutschi, Felix. *Carl Schmitt und die Lehre vom Katechon*, Berlin: Duncker & Humblot 1996. The work *Glossarium*, unfortunately yet untranslated into English, is of importance not only for its extremely elucidating comments on the katechon, but was also cause for considerable polemic because of the anti-jewish content of some of its entries. Additionally it contains the following statement: "That is the secret keyword to my entire intellectual and publicistic existence: wrestling for the truly Catholic intensification [das Ringen um die eigentlich katholische Verschärfung] (against the neutralizers, the lazy aesthetes [die ästhetischen Schlaraffen], against the aborters, the cremators and the pacifists)" (16.6.48), a 'confession' which, given Schmitt's various statements about the core of his thought, should be taken with a grain of salt.

<sup>689</sup> 2 Thessalonians 2: 6-7.

These verses raise two relevant questions for our investigation. The first of these is the function of the katechon. This is plainly stated and none of the various interpretations are seriously at odds on this point: the katechon is a figure or force which prevents the coming of the Antichrist and thus the apocalypse. It should be noted that the Antichrist, here rightly termed the “secret power of *lawlessness*” is characterized with the Greek term *anomias*, that is, literally a-nomias, without-law. Other translations have tended to translate *anomias* merely as “the wicked one” or “the secret power of evil”<sup>690</sup>. Given, the centrality of law for Schmitt's thought, this point is of particular interest for a study of Schmitt's concept of the katechon. The more difficult question to answer, however, is who or what the katechon is. While it was apparently obvious enough to Paul and the Thessalonians who the katechon was (“you know who the katechon is”), this only implicit knowledge leaves those who are neither Paul nor the Thessalonians rather in the dark. Further complicating the question of the katechon's identity is that the katechon need not be an individual, but can also be a impersonal subject because the term katechon appears twice in this passage, once in the masculine personal form (*ho katechon*) and once in the neuter impersonal form (*to katechon*). Schmitt points to this difference when in the interview published as *As Long as there is the Empire*, he makes the following remark, from which the book also draws its title: “That is nothing other than: ‘ho katechon’ is the respective reigning emperor, ‘to katechon’ is the empire’. And as long as there is the empire, the world will not end”<sup>691</sup>. That Schmitt here identifies the Roman Empire or emperor as the katechon is, while of interest, not essential for our considerations since, as we will see, Schmitt himself identifies various other figures as possible identities of the katechon. Since Rome has clearly fallen, and the apocalypse not yet come, the question of the katechon's identity remains open. That Schmitt's interest does not initially lie in identifying the various katechons, but first and foremost in understanding the essence of the katechon, is made explicit when he writes in *Glossarium* that we can only ascertain the identity of the katechons on the basis of such a conceptual understanding: “I am certain that we will even be able to agree upon many concrete names once the concept has become clear enough”<sup>692</sup>.

The task with which we are presented is not therefore that of identifying the katechon, but of understanding its structure, a task which makes all the more relevant the first, more easily answered question just posed: what is the function of the katechon? But, before turning to Schmitt's concept of the katechon we can briefly turn to look at several interpretations

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<sup>690</sup> The wicked one is the translation which we find in the King James Bible and “the secret power of evil” a translation of Luther's translation.

<sup>691</sup> Schmitt, Carl. *Solange das Imperium da ist*, p. 50.

<sup>692</sup> Schmitt, Carl. *Glossarium*, 19.12.47.

offered by early Christian exegetes<sup>693</sup>. To compress this summary even further we can, following Großheutschi, basically divide the various answers into two groups, those which cite a concrete worldly power, and those which cite an other-worldly power<sup>694</sup>. Among those belonging to the first group the predominant view is that the Roman Emperor or the Empire itself is the katechon. Hippolyt of Rome, Melito bishop of Sardes, above all Tertulian, as well as Johannes of Damaskus, Hrabanus Maurus, Haimos of Halberstadt, Herveus Burgidolensis, Peter Lombard and Thomas Aquinas are all of this opinion. The consequences they draw from this are, however, diverse and worth briefly explaining. In particular two aspects of early katechon exegesis interest us, because they will build the framework from which Schmitt's own interpretation proceeds.

The first point which interests us is the shift from a negative to a positive assessment of the katechon's theological-historical function. Thus, while clearly identifying the Roman Empire as the katechon, both Irenaeus of Lyon and Hippolyt of Rome, have a distinctly negative view of the katechon, since preventing the Antichrist from coming is precisely the opposite of what early Christians hoped for. It is only with Melito and, in particular, Tertulian that this changes. Großheutschi explains Tertulian's view as follows:

The Christians know that the world has an end and that this end is coming, that it is not the threat of a currently unforeseeable future, and that it will be accompanied by 'violent convulsions' and 'terrible miseries'. Such prospects horrify the pagan readers, the intended audience of this text. No reasonable human being would wish themselves such a situation, so they think. Indeed this is the case, Tertulian answers: no one, including us Christians, wants to experience this<sup>695</sup>.

Looking at the reasoning behind Tertulian's positive evaluation of Rome as katechon we may note a certain similarity between Tertulian's interpretation and what we have already considered about Schmitt's philosophical framework. At the risk of drawing a rather ahistorical parallel between two thinkers separated by almost two millenia, I suggest that the positive evaluation of the katechon is grounded in a similarly immanent world view, by which

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<sup>693</sup> The following summary of interpretations is drawn from Felix Grossheutschi's work *Carl Schmitt und die Lehre vom Katechon*. For this reason I provide only the most basic information necessary to understand who the interpreter in question identifies as the katechon.

<sup>694</sup> I omit here, for the sake of brevity and because it is irrelevant for our consideration of Schmitt's theory, the further interpretation, put forth by August Strobel in *Untersuchungen zum eschatologischen Verzögerungsproblem auf Grund der spät-jüdisch-urchristlichen Geschichte von Hab 2,2ff.* (Stuttgart: Brill 1961) who writes that "more precisely, the κατέχων is god itself", cit. in: Motschenbacher, Alfons, *Katechon oder Großinquisitor*, p. 191. Strobel resolves the problem of the two genders by interpreting God itself as *ho katechon* and the plan for salvation as *to katechon*. Motschenbacher characterizes this reading as "theocentric".

<sup>695</sup> Grossheutschi, Felix. *Katechon*, p. 50.

I mean to signify a world-historical view characterized by its emphasis on, its capacity and desire to take seriously worldly existence in the time until the apocalypse in its own right. So long as the Christians were an oppressed minority the end of the world was a desirable thing, but as soon as they attained a certain degree of power which they were interested in preserving, the apocalypse became something which, if it could not be prevented, had to be delayed<sup>696</sup>. The critical switch from negative to positive evaluation of the katechon, which takes place within Tertulian's own work, between *De Oratione* and *Apologeticum*, is that in the latter text he sees the apocalypse in a negative light and does so by arguing that the Christians are also interested in this world and do not wish its end. It is in this sense that Tertulian adopts an immanent world view in his argumentation in *Apologeticum*. This is certainly far from the immanently secularized world absent of God in which we have seen that Schmitt's thought is formulated<sup>697</sup>. Nonetheless it remains a crucial aspect of katechon interpretation because Schmitt's own theory of the katechon and philosophy of history is, as we will see, characterized by the same positive emphasis on the katechon's capacity to hold off the end of the world and thereby grant the time until then a value in its own right.

A second important aspect of early katechon exegesis is the way in which the katechon was associated with an 'authoritarian' moment. Thus, the Roman Empire was often identified as the katechon because it represented the most visible and historically present moment of authority for early exegetes. While he admittedly does not comment directly upon the katechon, Irenaeus bishop of Lyon, puts forth a decisive interpretation of Rome's role in the events of the apocalypse<sup>698</sup>. In *adversus haereses* he writes:

Because man turned away from God and became so barbaric that he viewed even his brethren as an enemy and because boundless murder and avarice appear in such chaos, God gave man the fear of other men, since man knew no fear of God. Subjected to human power and bound to human law, they should at least achieve justice and control one another in their fear of the sword before their eyes<sup>699</sup>.

To which Großheutschi writes:

The fear of fellow human beings, the terror of the 'bellum omnium contra omnes' allowed him to accept rules which limited his freedom – under the condition that others obey these rules as well. In order to protect them from

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<sup>696</sup> Cf. Blumenberg, Hans. *Verweltlichung durch Eschatologie*, chapter four in *Legitimität der Neuzeit*, pp. 46-62.

<sup>697</sup> Cf. ch. 2.4.2.1.

<sup>698</sup> Grossheutschi, Felix. *Katechon*, p. 32.

<sup>699</sup> Irenaeus von Lyon, *adversus haereses*. V 24 2. translation of citation in Grossheutschi, Felix. *Katechon*, p. 30, on the basis of Irenäus v. Lyon: *Fünf bücher gegen die Häresien*, trans. E. Klebba in: *Des Heiligen Irenäus ausgewählte Schriften*, Bd. II, München 1912 (= Bibliothek der Kirchenväter, Bd. 4).

each other the 'human law' came into being and in order to protect the law itself the authoritarian, the 'human' power<sup>700</sup>.

While noteworthy, the striking similarity between Irenaeus' logic and Hobbes' description of the social contract, Großheutschi's mention of the 'bellum omnium contra omnes', and the pivotal role played by Hobbes' theory in Schmitt's own thought, need not be further developed. What interests us is that Irenaeus begins by seeing Rome as a force of law, order and therefore the subduer of the chaos. Rome is an instance of order and it prevents humanity from reverting back into the war of all against all by means of a legal structure. We have seen the same emphasis on Schmitt's part in our discussion of the particular logic of decisionism. The particular importance of an equivocation of Rome and order for our understanding of the katechon is that, as we have pointed to above, Rome was often interpreted as the katechon, not only by the list of exegetes provided above, but by Schmitt as well.

These two points: the positive interpretation of the katechon as a guarantor of this worldly existence and the character of the katechon as a force of law and order which subdues the chaos will build the foundation and framework of Schmitt's own interpretation, to which we now turn our attention<sup>701</sup>.

### **3.2.2. Schmitt's concept of the katechon**

While Schmitt's understanding of the katechon accords, broadly conceived, with the general function of the katechon as an anti-apocalyptic counter-force, it is never explicated in great detail in any single statement or passage in Schmitt's work. Based upon scattered passages it can, however, be reconstructed to a certain extent. In the following section I will attempt a preliminary reconstruction of Schmitt's concept of the katechon, not, however, by providing a definition, but by highlighting two related characteristics of Schmitt's katechon: its anti-nihilistic function and its passive mode of "mere being".

#### **3.2.2.1. The anti-nihilist function of the katechon**

Originally, as we have seen, the katechon's function was to literally restrain the coming of the lawless one and the apocalypse and, indeed, this basic function of the katechon remains the

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<sup>700</sup> Grossheutschi, Felix. *Katechon*, p. 30.

<sup>701</sup> Additionally those exegetes for whom Rome was not the katechon should also be mentioned: Aristides of Athens, Justin the Martyr, Calvin and Luther. The first three are all of the opinion that the prayers of belief of Christians itself are the katechon. Luther represents an exception in so far as he denies the presence of the katechon, since the Antichrist, namely the pope, has already come, cf. Grossheutschi, Felix. *Katechon*, p. 55.

starting point and cornerstone of Schmitt's theory of the katechon. At the same time, if we are to understand Schmitt's particular interpretation, then we must also note the important difference between the traditionally theological, anti-apocalyptic interpretation of early Christian exegetes and Schmitt's 20<sup>th</sup> century interest in this figure. For, with the development of historical-critical analysis, the Antichrist became a "mythic figure" and thus the katechon an "intellectual game for theologians, classical philologists and their relatives"<sup>702</sup>. While Schmitt certainly held his fair share of 'anachronistic' world views, it is at least strongly suggested from the outset that Schmitt's concept of the katechon is not to be read in strictly literal apocalyptic terms. Thus, Claus Heimes concludes that "Schmitt himself also saw this figure as no longer essential for theology, the discipline in which, given its thematic field, it would most likely have a place"<sup>703</sup>. If, however, the katechon is to nonetheless retain its 'anti-apocalyptic' function, then its importance must lie in the prevention of something which can be hypostatized as an apocalypse. In order to understand Schmitt's interest in the katechon, I therefore suggest that we draw back our perspective and abstract the apocalypse to the level of a cipher for an absolute chaos, that is, concrete nothingness.

This abstraction is supported by Schmitt's identification of several historical figures, clearly not literally anti-apocalyptic in nature, as katechons. Schmitt's first explicit discussion of the katechon comes in an article published in 1942 entitled *Accelerator against its Will*. At the end of this article Schmitt provides a longer list of historical figures which he believes to have been katechons, each in their own way.

Tertullian and others saw the delayer in the then old Imperium Romanum, which 'held' the eon and effected a postponement of the end through its mere existence. The European Middle Ages adopted this belief and essential processes of medieval history are only comprehensible from this perspective. In another, but yet once more analogous sense, Hegel, the last great systematic philosopher in Germany, was for Nietzsche nothing but the great delayer and restrainer on the way to true atheism. Restraining and delaying forces can, however, also take on the form of individual figures and personalities of political history in a peculiar and symbolic way. The old Emperor Franz Joseph appeared to restrain the end of the antiquated Habsburg Empire again and again through his mere being and the widespread opinion that Austria would not fall apart as long as he lived was more than a foolish superstition. After the World War the Czech president Masaryk attained the function of a restrainer to a respectively lesser extent. For Poland, the Marshall Pilsudski

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<sup>702</sup>Grossheutschi, Felix. *Katechon*, p. 56. In large part Grossheutschi is right in his estimation of the katechon's decline in importance. Before moving on to his interpretation of Schmitt's concept of the katechon, however, he forgets to mention the particular value this term held for, in addition to Schmitt, a loose grouping of early 20<sup>th</sup> century conservative thinkers including Wilhelm Stapel and Dietrich Bonhoeffer.

<sup>703</sup> Heimes, Claus. *Politik und Transzendenz. Ordnungsdenken bei Carl Schmitt und Eric Voegelin*, Berlin: Duncker & Humblot 2009, p. 67.

became a kind of “katechon”. Perhaps these examples are sufficient in order to imply the political and historical meaning which can be contained in the role of the delayer<sup>704</sup>.

Of interest here is that the last four figures mentioned here, Hegel, Franz Joseph, Masaryk, and Pilsudski can in no way be understood as literal restrainers of **the** one and only apocalypse, but rather represent katechons to a “lesser extent” (*kleinerem Maßstab*). These, as Großheutschi calls them, “local” katechons, were responsible for holding off a particular end, be it that of the Hapsburg Empire, of the political autonomy of Czechoslovakia or that of Poland. These local katechons “neither held back the end of the world nor a world-wide development, but rather fulfilled their function within a particular, more or less narrowly defined space”<sup>705</sup>. The mistake, however, which Großheutschi makes when correctly differentiating between “local” and “transcendent” katechons, is that he regards the, as Schmitt himself writes, “limited measure” in which these figures restrained an end to things as the sign of a fundamental difference. Key is that these figures were katechons in a more limited measure, not in a fundamentally different manner. The quantitative, and not qualitative, difference between “local” and “transcendent” katechons means that there must be a way to analogize the activity of a local katechon with that of the literally ultimate, biblical katechon, responsible for holding off the end of the world. What interests Schmitt and what represents the core of Schmitt’s theory of the katechon is neither a concrete identity nor an asingular concrete apocalypse, but a structure which can be both expanded and shrunk. The foundation of this structure, I am suggesting, lies not so much in the katechon’s literally anti-apocalyptic function, but rather in a generally anti-nihilistic function. Here it is helpful to remember that we have had to make a similar theoretical movement of abstraction, when we investigated Schmitt’s concept of decisionism. There we saw that, only when decisionism was understood not as a solution to a concrete (and ultimately irresolvable) problem, but rather as the desperate attempt to restore a “minimum of form”<sup>706</sup>, did the particular logic of decisionism become clear. It was important, in other words, that we grasp the outbreak of civil war (which clearly cannot be literally equated with the apocalypse) as a scenario of such unspeakable terror that it could justify a theory of absolute sovereignty.

Großheutschi himself provides us with a perfect example of this analogy when he classifies Rudolf II as a ‘merely’ local katechon. Returning to the passage from *Land and Sea* which we have already examined in the last chapter, Schmitt writes: “He had something of the

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<sup>704</sup> Schmitt, Carl. *Beschleuniger wider Willen*, p. 436.

<sup>705</sup> Grossheutschi, Felix. *Katechon*, pp. 103-104.

<sup>706</sup> Schmitt, Carl. *RC*, p. 30.

'katechon' [...] it was already an achievement if he truly restrained and delayed the outbreak of the Thirty Years' War for decades"<sup>707</sup>. However, when Großheutschi then writes that "The fact that the emperor restrained the Thirty Years' War reminds one of the biblical katechon which restrains the horrors of the end of time"<sup>708</sup> he is mistaken to believe that the Thirty Years' War merely reminds one of the apocalypse. The point to be had is that this analogy is not merely a striking resemblance which reminds one, but that Schmitt takes this analogy quite seriously and that the terror of the Thirty Years' War was apocalyptic enough for him to see it as the logical foundation of absolute decisionism. What I do not intend to argue is that Schmitt thought the two were the same, civil war and the end of the world. However, the relationship between these two can and must be brought into closer proximity than Großheutschi suggests.

### 3.2.2.2. "Being at rest" – "*ruhendes Sein*"

By looking at several figures identified by Schmitt as possible katechons a second fundamental aspect of Schmitt's concept of the katechon becomes clear, namely: its 'passive' nature. Schmitt describes, in various texts, the following figures as katechons: "the old Roman empire which 'held' the aeon and realized a postponement of the end through its mere existence [*Existenz*]," Emperor Franz Joseph who "appeared to restrain the end of the outdated Hapsburg Monarchy by his mere existence [*Dasein*]"<sup>709</sup>, Rudolf II who "was no active hero, but rather a restrainer, a delayer"<sup>710</sup> and Friedrich Carl von Savigny in whose person and thought one finds no "activism of action and is irked by his all too passive manner of pure contemplation"<sup>711</sup>. In each case we clearly see that Schmitt identifies these figures as katechons not only because they restrained an end (the Roman Empire that of an aeon, Franz Joseph the end of his empire, Rudolf II that of a peace before war or Carl von Savigny that of European jurisprudence), but in their particularly "neutro-passive" (Rudolf II) manner of doing so.

Two reflections published in *Glossarium* further substantiate the katechon's passive character. On June 16<sup>th</sup>, 1948 Schmitt writes:

<sup>707</sup> Schmitt, Carl. *Land und Meer*, p. 80.

<sup>708</sup> Grossheutschi, Felix. *Katechon*, p. 71.

<sup>709</sup> Schmitt, Carl. *Beschleuniger wider Willen*, p. 440. Schmitt expresses a similar opinion regarding the Roman Empire in *Solange das Imperium da ist*. When Schmitt states that "as long as there is the Imperium, the world will not end" the emphasis falls on the mere fact that the empire is (p. 50).

<sup>710</sup> Schmitt, Carl. *Land und Meer*, p. 80.

<sup>711</sup> Schmitt, Carl. *Die Lage der europäischen Rechtswissenschaft*, p. 30. Schmitt does not describe Savigny as a katechon in this essay itself. Rather, as Grossheutschi points out, Schmitt describes Savigny as a katechon when, in an afterword to this essay's publication in 1957, he asks whether Savigny or Hegel was the greater katechon.



Great strengthening from Konrad Weiss again, Creature of the Word: the babylonian tower of neutralizing linguistic unity. “Today even the confusion of language is better than the babylonian unity”, which means: anarchic chaos still better than nihilistic centralization and constitution. The katechon is recognizable therein that it does not strive for the unity of the world but rather lays down the emperor’s crown<sup>712</sup>.

In addition to the preference for anarchic chaos in the sense of the Thirty Years’ War over and above nihilistic centralization, Schmitt not only describes the katechon in a passive mode of being, as one who does not strive for world unity, but as one who lays down his crown (in order to prevent this unity?<sup>713</sup>). This aspect of passivity on the part of the katechon is mirrored in a second entry of Schmitt’s in *Glossarium* where he writes that “The katechon, that is the lack, that is hunger, need and powerlessness. That is those who do not rule, that is the people; everything else is mass and the object of planning”<sup>714</sup>. Here, similar to the laying down of the crown, Schmitt identifies the katechon with those who do not rule as an opposition to the “planning” of nihilistic centralization<sup>715</sup>. In addition, therefore, to the katechon’s nature as “restrainer” identified by Schmitt, we can see that an essential aspect of their very restraining of the end is the passive manner in which this occurs. This is most pregnantly exemplified in the old Roman Empire and Emperor Franz Joseph who were katechons not by any virtue of what they did, but by their “mere being”.

The passive nature of the katechon is expressed differently but with the same basic motif of passive, not active resistance when we return to Schmitt’s essay on *The State of European Jurisprudence* and realizes that, for Schmitt, jurisprudence itself is a kind of katechon.

We [jurists] fulfill a task of which no other form or method of human activity can relieve us. We cannot choose the changing ruler and regime according to our tastes, but preserve, in the changing situation, the foundation of a rational human existence which cannot dispense of the principles of law<sup>716</sup>.

Take this sentence as one may in light of Schmitt’s biography, the similarity of it to his description of the katechon is clear. Jurisprudence, or jurists, preserves an indispensable

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<sup>712</sup> Schmitt, Carl. *Glossarium*, 16.6.48. Weiß’s “Creature of the Word” was published in the journal: *Der Ring*, vol. 4 (1931), pp. 901-903.

<sup>713</sup> An interesting possible explanation for the katechon laying down its crown is offered by Grossheutschi in reference to the “*Endkaisersage*”, *Katechon*, pp. 82-83.

<sup>714</sup> Schmitt, Carl. *Glossarium*, 25.9.48.

<sup>715</sup> Powerlessness [*Ohnmacht*] will reoccur as a theme later in this chapter in the context of Schmitt’s philosophy of history and is drawn from Schmitt’s interaction with Konrad Weiss.

<sup>716</sup> Schmitt, Carl. *Die Lage der europäischen Rechtswissenschaft*, p. 30.

principle, not through concrete action, but in spite of and subject to changing situations. In particular it is important for this study to note that jurisprudence is not charged with the task of holding of the apocalypse as such, but rather with the preservation of the “foundation of rational human existence”. The katechon is that figure which, however abstracted, holds off the end of the world, then this is an attribution of particular importance for the healthy human reason. It means that a human rationality is the principle literally so indispensable that its disappearance is hypostatizable as the end of the world. And, given the relationship between the human rationality and the sphere of human activity, it is a sign that, as our coming arguments will make clear, the function of the katechon lies not only in the preservation of a human rationality but in the making of space for an equally human activity.

### **3.2.3. From the structure to the function of the katechon: the creation of historical space**

Having now briefly pointed out two important aspects of Schmitt’s theory of the katechon we can begin to focus our attention on the more important problem in response to which we have turned to the figure of the katechon in the first place, namely, as a means of understanding Schmitt’s philosophy of history in its relationship to the sphere of human activity. And yet, before doing so immediately and as a means of introducing this analysis in its particularity and difference to a general ‘theory of the katechon’, I would like to look at an important and problematic question raised by Schmitt’s theory of the katechon as it has appeared in our analysis thus far.

#### **3.2.3.1. “Mere being” and the problem of substantive indifference**

In describing the necessity of abstracting the role of katechon beyond that of an anti-apocalyptic force to that of an anti-nihilist force, we have already mentioned a certain similarity to the functional role of the decision which is made not so much in order to resolve any particular problem as it is made in order to instate some basic minimum of form amidst the chaos. In discussing the passive nature of the katechon, however, we can also see that the sovereign decision has a similarity to the katechon which does more than merely help us to think about the katechon. In particular two points should be considered. The first is that, as we saw when discussing decisionistic thought, decisionism functions on the basis of a reduction of the decision to a “purely functional” moment in which it is more important **that** a decision is made rather than what decision is made. The katechon exhibits a similar character, only in the inverse. The katechon holds off the apocalypse not by nature of how it exists, but rather, in **that** it exists. In contrast to the hyperactive absolute minimum of the decision, incapable of

not acting, the katechon is hypoactive, reduced beyond the point of the decision to its mere being.

In this regard, the passive nature of the katechon offers an interesting response to a problem which Schmitt himself recognized in his theory of decisionism and which he thematized in the foreword to *Political Theology's* second edition in 1933 when, in announcing his discovery of concrete order thought, he described the danger of decisionism as that “missing the resting being present in any decision”<sup>717</sup>. This danger is what we have seen Karl Löwith pick up on when he accused Schmitt of a mere “decision for decisiveness”, the sovereign’s inability to not decide and it is the same problem which we have addressed in the context of concrete order thought and occasional rationality. Could the katechon be this “resting being” of which Schmitt wrote, at least a decade before even beginning to theorize the katechon? For, if it was an anarchistic decisionism which underlay the sovereign's ultimate reversion to a romantic occasionalism, the katechon would seem to circumvent this problem, by avoiding the question of decisionism altogether. Upon closer inspection of the katechon we begin to see, however, that the katechon is just as caught up in this problem as the sovereign.

The problem which arises is, to employ the parallel of political existentialism discussed in the introduction, that this reduction of the katechon from *So-sein* to *Da-sein* reveals the same “indifference to content” of which both Löwith and Leo Strauß accused Schmitt’s decisionism. What remains a question is, in other words, what such a 'mere being' might look like and the answer which we seem forced to arrive at is that this 'mere being' involves a considerable amount of action. The katechons identified by Schmitt were real political figures involved in real political action and they did not merely exist without taking concrete steps to preserve their existence. The question and perhaps the reason for which the katechon cannot help but contain a decisionistic aspect is this 'mere being's' contents. It is certainly true that the katechon holds of the chaos by virtue of its mere being. Yet, if Schmitt critiqued the Romantics for their “subjective occasionalism” and Löwith turned the phrase on Schmitt as “occasionalistic decisionism”, one might accuse a katechon founded only in 'mere being' of a kind of 'occasionalistic existentialism'. An overemphasis on the mere existence of the katechon fails to account for the fact that underlying this mere existence are concrete actions tied to decisions. Such a reading of Schmitt's concept of the katechon ultimately results in the same basic indifference to content which was the basis of both Löwith and Strauss' critique and “this most recent transformation of Schmitt’s versatile thought”, now that of the katechon, “gives the impression of overturning everything he has said”, while, in

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<sup>717</sup> Schmitt, Carl. *PT*, p. 8.

reality, only confirming “the thoroughly occasionalist character of his political thought”<sup>718</sup>.

An initial hint at Schmitt’s awareness of and attempt to solve this problem of an overly passive nature can, however, be found in Schmitt’s essay *The Other Hegel Tradition – to the 70<sup>th</sup> birthday of Hans Freyer (Die andere Hegel-Linie – zum 70. Geburtstag Hans Freyers)*. In this text Schmitt attempts to trace an alternative tradition of Hegel interpretation, in opposition to that of Hegel-Marx-Lenin, between Hegel, Dilthey and Freyer. In particular Schmitt investigates Freyer’s concept of the katechon which, in “dialectical structure,” fundamentally throws into question what we have thus far observed about the katechon. In his work *The World History of Europe*, Freyer poses the question: “Is there a higher degree of restraining power than that, precisely in the collapse, the new level is freed from the old, that the hand which breaks, preservingly reaches back in the same motion and that the will which presses forward also absorbs the entire legacy as if with a thousand living roots?”<sup>719</sup>. As Großheutschi puts it “The katechon is for Freyer no one dimensional concept in the sense of a *merely* restraining and *merely* conserving concept. It breaks up the static and becomes dynamic”<sup>720</sup>. Schmitt makes this active aspect of his theory of the katechon vicariously clear elsewhere when he writes in *Three Levels of Endowing History with Meaning* that, “for Konrad Weiss”, to whom we will return shortly, “the merely preserving forces do not suffice. He says that the historical conditions are always more to be won than they are to be preserved”<sup>721</sup>. Schmitt points to an aspect of freedom, the possibility of 'winning' historical conditions, an active participation in the historical movement otherwise dominated by powerlessness and necessity. And yet, the katechon remains a vague concept as long as we press it for a conceptual solution to the problem of decisionism and substantive grounding. What it is, in which the activity of the katechon consists, is never explicated beyond the idea of a mere being.

In light of this lack of clarity, I suggest that we, rather than attempting to determine the concrete activity of the katechon, shift our focus towards the larger function of the katechon in Schmitt’s thought. In order, that is, to understand why this certainly serious problem of substantive indifference fails to grasp the core of Schmitt’s theory of the katechon, we must begin to understand that Schmitt’s theory, however plagued it may be by this problem, is meant to address an essentially different problematic than substantive indifference. The problem towards which Schmitt’s theory is directed is the creation and

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<sup>718</sup> Löwith, Karl. *okkasioneller Dezisionismus*, p. 116.

<sup>719</sup> Freyer, Hans. *Weltgeschichte Europas*. 2, Wiesbaden: Dieterich 1948, p. 654; Grossheutschi, Felix. *Katechon*, p. 101.

<sup>720</sup> Grossheutschi, Felix. *Katechon*, p. 102.

<sup>721</sup> Schmitt, Carl. *Drei Stufen*, p. 931.

guaranteeing of a space for political, and that means human, activity.

### 3.2.3.2. The function of the katechon or: the guarantor of the political

The role of the katechon as a creator of historical space for human activity becomes clear once we turn our focus away from the activity or inactivity of the katechon itself and towards the **function** it serves in Schmitt's philosophy of history. It is not primarily a question of discerning the difference between an active and a passive katechon, or filling the katechon's 'mere being' with contents, but rather of identifying what the katechon makes possible, however we may conceive of its activity or inactivity. The role of the katechon in Schmitt's thought is, thus, not merely that of a restrainer or delayer. It is that of an enabler. Naturally this enabling takes the form of a restraining of the 'apocalypse' in that, by restraining the end of the world, the katechon guarantees the continued existence of this world. This is the 'immanent' character of the katechon as we have observed above. But what the shift in conception of the katechon, from restrainer to guarantor, allows is for us to turn our attention away from the question of what and how the katechon restrains and towards a more detailed analysis of what, in its restraining, the katechon guarantees or enables. The following sections of this chapter want to develop and explicate this object of guarantee in greater detail and, in particular, to show that Schmitt's katechon represents, firstly, the attempt to read history in such a way as to restore the possibility of meaningful and particularly human historical action and, secondly, that this possibility of meaningful historical action is intimately tied to the concept of the human. This relationship between the katechon and the human will become clear as soon as we understand that the very meaningful historical activity which Schmitt seeks to ensure with his katechon is nothing less than the political as we have already addressed it in its particularly human character.

The function of the katechon is the creation of historical space in which action can occur. This function is clearly demonstrated by Schmitt in his essay on *The Three Levels of Endowing History with Meaning*, in which Schmitt attempts to outline what he sees as the three basic structures which history can carry. The first of these is a cyclical structure. In light of Schmitt's rather cursory description of this historical structure, I turn to a lecture given by Armin Mohler at the 1986 Schmitt Symposium held in Speyer under the title *Carl Schmitt and the "Conservative Revolution": unsystematic observations*. In this paper, Mohler describes the importance he assigned to "the model of the 'return' [*Wiederkehr*]" when "clarifying the contents of the conservative revolution" in his work *The Conservative Revolution*, published in 1950. The importance of the "return" lies, for Mohler, in how it

allows one to see the Conservative Revolution's nature as "a resistance against the desertification of the world by abstractions (Utopias), as the postponement of everything important and essential in the far future (or, today far more common, in the far past, as, for example, by the rearwards oriented utopias of the eco- and nostalgia-movements)"<sup>722</sup>. The characterization of the Conservative Revolution as opposition to an idealization of both the future as well as the past, is meant to underscore Mohler's thesis that Schmitt "belongs to [the conservative revolution] completely"<sup>723</sup> because he clearly expresses what Mohler sees as the core of the conservative revolution, namely, the "revolt against the abstractions [...] and the turn to the particular"<sup>724</sup>. Mohler arrives at the conclusion that Schmitt participated in such a revolt against the abstraction through a reading of *On the Three Types of Legal Thought*. Important in the context of our discussion of Schmitt's philosophy is, however, that Mohler is forced to draw upon Schmitt's legal thought, not his philosophy of history for the very reason that, as Mohler himself reports, Schmitt rejected any notion of a cyclical structure to history: "In spite of all his positive partiality for the book [*The Conservative Revolution*] C.S. could not befriend the model of the return"<sup>725</sup>. Mohler sees the reason for this difficulty there in "**that he could not unite the return with the concept of the political**. A world characterized by the return was, for him, a dying world. That was certainly related to his divided relationship to antiquity. Old Rome was as important for him as the Catholic Church; for him the one transitioned into the other"<sup>726</sup>. Schmitt's rejection of a cyclical structure of history, his belief that the Church represents the "successor" to Rome, suggests a historical structure much more interested in development, succession and procession. It is to be further noted that, in effect, Schmitt's description of the cyclical sense of history is a critique which mirrors his polemic against Political Romanticism's search for the "eternal discussion". The "eternal return" is an unbound freedom from any concrete, finite and necessary meaning to a contingent history and therefore ultimately incapable of endowing history with true meaning.

At the same time, while rejecting a cyclical interpretation of history's structure, Schmitt also certainly saw a linear, progressivist view of history as inadequate. Schmitt

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<sup>722</sup> Mohler, Armin. *Carl Schmitt*, pp. 135-136.

<sup>723</sup> Mohler, Armin. *Carl Schmitt*, p. 151.

<sup>724</sup> Mohler, Armin. *Carl Schmitt*, p. 150.

<sup>725</sup> Mohler, Armin. *Carl Schmitt*, p. 136. Whether Schmitt is to be considered as an exponent of the "conservative revolution" is one question. What reflection should make clear is this relationship cannot be substantiated via Schmitt's philosophy of history. Heinrich Meier concurs with this thesis when, in his response to Mohler's paper he points to Schmitt's text: *Drei Möglichkeiten eines christlichen Geschichtsbildes*, in the publication of which shortly after Mohler's work Meier sees "an unequivocal denial of the cyclical understanding of time, one huge plea for the possibility and necessity of a 'christian model of history'" (*Complexio Oppositorum*, p. 155), a critique which Mohler, however, incorporated into his paper, edited as it appears in the collection of papers *Complexio Oppositorum*.

<sup>726</sup> Mohler, Armin. *Carl Schmitt*, p. 136: emphasis – N.H..

identifies a linear reading of history with the “enlightenment and positivistic belief in progress,” a belief which we know is really merely a “secularized Judaism and Christianity” which “took its ‘eschata’ from them”<sup>727</sup>. This critique of a linear understanding of history is a particular move which sets up the third level of endowing history with meaning. The problem of a linear and eschatological understanding of history against which Schmitt argues is that of fatalism or what he calls an “eschatological paralysis”<sup>728</sup>. That, for Schmitt, the purely linear positivistic understanding of history and a fatalistic eschatology are not vastly different terms is not only a matter of their analogous eschatological structure, but can also be seen as a reflection of Schmitt's own fatalistic view of positive scientific thought as a kind of modern nihilism. This belief in a purely linear development from beginning to “eschata”, is incapable of endowing history with meaning since the price for an ultimate end of history is the danger of an “eschatological paralysis,” an incapacity to see the meaning of all history until this end. What happens between now and then (the eschata) is essentially irrelevant. The absolute irrelevance of history between now and then stems from the absolute unavoidability of the eschata.

Against both the cyclical and the linear views of history Schmitt introduces his concept of a third view of history, one which he thinks capable of combining both the cyclical and the linear views of history. As Großheutschi has written:

For cyclical thought everything is repetition and, for ‘progressivistic’ thought, past time overcome time [*überwundene Zeit*] without its own meaning anymore – only the present or the future matters and is of value. Both are therefore, in a certain sense, without tradition and history. Only within a Christian conception of history can – Schmitt’s explications suggest – the historical be taken seriously in its own dignity<sup>729</sup>.

Schmitt's intention is not merely to synthesize the cyclical and the linear readings of history, but to do so because he ultimately sees the danger of a paralysis in both, be it the paralysis of the eternal return's ultimate meaninglessness or the “eschatological paralysis” of indifference to the time before the apocalypse. To understand history in its third level of meaning is, therefore, to provide the philosophical conditions under which historical action can be taken seriously, both in the sense of historical actors taking serious action as well as taking the actions of historical actors seriously, the contents of the decision revealed in its importance, decisionistic occasionalism thus overcome and history revealed as a “taking root

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<sup>727</sup> Schmitt, Carl. *Drei Stufen*, p. 928.

<sup>728</sup> Schmitt, Carl. *Drei Stufen*, p. 929.

<sup>729</sup> Grossheutschi, Felix. *Katechon*, p. 91.

in the earth's realm of meaning, through shortcoming and powerlessness, the hope and honor of our being”<sup>730</sup>. The central importance of endowing history with meaning becomes unequivocally clear when one considers that, in spite of his employment of the decidedly eschatological figure of the katechon, Schmitt writes that “we also see what is at stake in today’s reality: neither the one nor the other, neither cyclical nor eschatological convictions but rather the endowment of history with meaning”<sup>731</sup>. Schmitt wants to answer the question “whether eschatological belief and historical consciousness are compatible with one another”, the question of whether one can simultaneously affirm both an ultimate eschaton as well as the meaning of the present historical moment, whether, in other words, there is an eschatology which can escape an eschatological paralysis<sup>732</sup>. It is here that we can grasp the katechon’s philosophical-historical function:

The living expectation of the immediately coming end appears to rob all history of its meaning and causes an eschatological paralysis for which there are many historical examples. Nonetheless, there exists the possibility of a bridge. [...] The bridge lies in the idea of a power which holds off the end and holds down the evil one. That is the kat-echon of Paul’s secretive passage in the 2<sup>nd</sup> letter to the Thessalonians<sup>733</sup>.

This function of the katechon is what Motschenbacher has at least implied when writing of “The Katechon as the Making Possible of History”<sup>734</sup>. Where, however, I want to go beyond the work of Motschenbacher as well as Großheutschi, both of whom identify the katechon as a creator of meaningful history, is by analyzing this history and its meaningfulness. In particular, our interest here lies in determining the particular relationship between this concept of history and Schmitt’s concept of the political. Revealing this relationship will then open the possibility of establishing a relationship between Schmitt’s katechonal history and the concept of the human.

Schmitt’s search for a philosophy of history capable of endowing the present with a meaning in its own right is intimately related to a certain concept of autonomy as we have developed it in our analysis of the political and, therefore, one with particular relevance for our concept of the human. In *Three Levels* Schmitt characterizes the historical space created by the katechon as a space for the “creation of meaning for larger plans (*Sinn-Setzung für*

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<sup>730</sup> Schmitt, Carl. *Drei Stufen*, p. 931.

<sup>731</sup> Schmitt, Carl. *Drei Stufen*, p. 928.

<sup>732</sup> Schmitt, Carl. *Drei Stufen*, p. 929. Schmitt posed the same question to Hans Blumenberg, who answered in the negative, in a letter dated August 7<sup>th</sup>, 1975 (*Blumenberg – Schmitt. Briefwechsel*, p. 131).

<sup>733</sup> Schmitt, Carl. *Drei Stufen*, p. 929.

<sup>734</sup> Cf. Motschenbacher, Alfons. *Katechon oder Großinquisitor*, ch. VI.3. “*Carl Schmitt: Der Katechon als Ermöglichung von Geschichte*”.



*Groß-Planungen*), which are imposed upon humans by other humans, creations of meaning which are consequently themselves also parts of larger plans”<sup>735</sup>. The relationship between this understanding of historical space and political autonomy becomes clear once we recall the example of Donoso Cortés and the Grand Inquisitor, the only ones pretentious and arrogant but also self-aware enough to realize that human beings have been left with no choice but to rule over themselves – and that also means over one another.

This notion of autonomy is not to be confused with a notion of individualistic freedom. Thus, as Schmitz and Lepper, the editors of the Blumenberg-Schmitt correspondence write when commenting on a difference between Schmitt and Freyer’s philosophies of history:

After the 2<sup>nd</sup> World War, Freyer occupied himself with the dynamics of the technical-industrial progress and the diversification of “secondary systems”, [...] The resistance against these secondary “systems” is thoroughly aimed at individual forms of life and serves their preservation or recovery. Neither Schmitt’s employment of the katechon nor his other theoretical decisions are intended in the sense of such spaces for individual freedom<sup>736</sup>.

Here, however, it seems to me that Schmitz and Lepper overlook an important distinction in Schmitt’s employment of the katechon. Schmitz and Lepper are certainly correct in arguing that Schmitt does not see the katechon as a guarantor of individual freedom from larger systems which rob the individual of its individuality – Schmitt is too anti-individualistic for such an argument and his emphasis on “larger plans, which are imposed upon humans by other humans” is far more focused on collective groupings. Nonetheless, we need not discard the importance of freedom and autonomy for Schmitt’s concept of the katechon simply because it is not an individualistic freedom in which Schmitt is interested. Moreover, though Schmitt may not have an ‘individualistic’ freedom in mind, it is certainly demonstrable that Schmitt’s katechon is conceived of in a relationship of mutual information with his theory of *Großräume* or “larger spaces”, to which we will turn our attention below, directed against the idea of a unified world-state and thus in a certain sense conceived of in the context of an attempt to preserve the autonomy of individual cultural spheres<sup>737</sup>. The katechon retains its

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<sup>735</sup> Schmitt, Carl. *Drei Stufen*, p. 928.

<sup>736</sup> Schmitt writes that “we should not use it [the katechon] in order to, with preserver and delayer, expand the historicist *Diltheyian* collection of types by a few pieces” (p. 930), a critique which he repeats in a letter (October 20<sup>th</sup>, 1974) to Blumenberg in which he writes that “Hans Freyer misunderstood it [the question of the katechon] in a Diltheyian manner” (*Blumenberg – Schmitt. Briefwechsel*, p. 120). Interesting to note is, however, that Schmitt makes explicit reference to Freyer’s theory of secondary systems in *Hamlet or Hecuba*, p. 71.

<sup>737</sup> Cf. Schmitt, Carl. *Die letzte globale Linie*, pp. 441-452 in: *SGN*, p. 448.

function: the creation of historical space in which free action can take place.

The katechon does not, that is, have the function of creating a space free in the sense of a freedom from constraints or necessity. The historical space guaranteed by the katechon is free in the sense of political autonomy as we have discussed in it chapter 2, namely, an interim in which human beings are to rule over one another. That our investigation of Schmitt's concept of history has led us back to Schmitt's concept of the political is no coincidence, but rather evidence for their most intimate relationship to one another, a relationship located foremost therein that both are conceived of by Schmitt in terms of a, in the case of the political, plane or sphere and, in the case of the historical, temporal space in which human activity can take place. Schmitt's emphasis on a philosophy of history capable of taking the present seriously in its own right finds its parallel in the political's insistence upon taking convictions and beliefs seriously and not as mere reflections of actually economic causes<sup>738</sup>.

The relationship between the political and Schmitt's philosophy of history and thus the way in which Schmitt's philosophy of history finds its meaning in the creation of a sphere for truly political activity, that is, for particularly human activity, becomes clear if we turn to *The Age of Neutralizations*, published almost three decades before *Three Levels*. There Schmitt writes that "A life which stands before nothing other than death is no longer life but rather powerlessness and helplessness. [...] For life does not fight against death and the spirit does not fight against spiritlessness. Spirit fights against spirit, life against life"<sup>739</sup>. Of interest is that the formulation "powerlessness and helplessness" is basically repeated by Schmitt, with some differences, twice in *Three Levels*, where he writes that history is "rather a path as if through lack, hunger and fortifying powerlessness", and closes the essay with the formulation "lack and powerlessness", as well as in *Glossarium*<sup>740</sup>. The repetition of "lack and powerlessness" suggests that Schmitt understands the katechon as precisely such a force "which stands before nothing other than death". This is its anti-nihilist character as we have examined it above. In *The Age of Neutralizations* this position has a negative meaning, that is, the misrecognition of the political, a phenomenon which must take place between living beings in a pluralistic world: "spirit fights against spirit, life against life". What this passage, however, makes clearer is the function of the katechon as a force which, pitted against death makes possible the conflict between various living beings or groups by creating a space in time in which the political can take place. The katechon is not, that is to say, a political entity in and of itself, but rather the figure which guarantees the framework, structure and space in

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<sup>738</sup> Cf. Schmitt, Carl. *RC*, p. 21.

<sup>739</sup> Schmitt, Carl. *The Age of Neutralizations*, p. 87.

<sup>740</sup> Schmitt, Carl. *Drei Stufen*, pp. 930-931; Schmitt, Carl. *Glossarium* 16.6.48.

which the political can unfold in its particular humanity.

This historical space for human activity is well illustrated by the following passage from *Political Theology II*:

The Augustinian doctrine of two different kingdoms will, until the day of judgment, always stand anew before the colon of the always open question: *Quis judicabit? Quis interpretabitur?* Who decides *in concreto* for the human being acting in its creaturely autonomy the question of what is spiritual and what is worldly and what is to be done with the *res mixtae* which, in the interim between the arrival and return of the lord, undeniably make up the entire earthly existence of this spiritual-worldly, spiritual-temporal double-being called human?<sup>741</sup>

Though without explicit reference to the figure of the katechon, the formulation of an “interim between the arrival and return of the lord”, a time “until the day of judgment”, is precisely the kind of historical space which we have been trying to describe. This space would not exist were there no katechon which held off the day of judgment and made it possible to speak of an “until” in the first place. Furthermore, given that we have already demonstrated the nature of Schmitt’s concept of the political as sphere of human activity, it is particularly relevant that the space “until the day of judgment” is characterized by the questions “*Quis judicabit? Quis interpretabitur?*” and by the decision “*in concreto*”, that is, by the very elements of sovereignty which comprise so much of Schmitt’s concept of the political. The historical space created by the katechon is therefore a particularly human space, not only as a space for meaningful historical activity, but moreover, because it is a space for the political: “for the human being acting in its creaturely **autonomy**”<sup>742</sup>.

In addressing the autonomy which characterizes the activity taking place in this historical space we have focused on clarifying the function of the katechon as a kind of frame within and by which a space for political activity is guaranteed. In identifying the kind of activity which occurs within the katechonal frame of history as a particularly political activity we have begun to specify the contents of this space. Our interest in the political character of this activity is motivated by two factors. Firstly, such a relationship reveals an overarching coherence between truly major paradigms in Schmitt’s thought: history and the political. More

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<sup>741</sup> Schmitt, Carl. *Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie*, Berlin: Duncker & Humblot 1970, p. 107. German original: “Die Augustinische Lehre von den zwei verschiedenen Reichen wird bis zum Jüngsten Tage immer von neuem vor diesem Doppelpunkt der offen bleibenden Frage stehen: *Quis judicabit? Quis interpretabitur? Wer entscheidet in concreto für den in kreatürlicher Eigenständigkeit handelnden Menschen die Frage, was Geistlich und was Weltlich ist und wie es sich mit den res mixtae verhält, die nun einmal in dem Interim zwischen der Ankunft und der Wiederkunft des Herrn die ganze irdische Existenz dieses geistig-weltlichen, spiritual-temporalen Doppelwesens Mensch ausmachen?*”.

<sup>742</sup> Emphasis – N.H.

specifically, however, and of greater interest for this particular study of the concept of the human in Schmitt's thought is that the political, as we have analyzed it in the previous chapter, is fundamentally related to the human. By extension, therefore, a philosophy of history conceived of with the intention of creating space for political would also be the attempt to conceive of history in such a way as to guarantee the possibility of particularly human activity. Seen in this way the very relationship between history and the political would be established across the concept of the human as the common denominator of both dimensions.

### **3.2.4. Characteristics of Schmitt's philosophy of history**

In addition to establishing a connection between history, the political and the human, our analysis of Schmitt's philosophy of history offers us the possibility of further specifying the contents and contours, not only of this history but of Schmitt's concept of the human. In the closing sections of this chapter I would like to describe this relationship between Schmitt's philosophy of history and the concept of the human and to do so by focusing on two of this history's aspects: its "creatureliness" and its "spatiality".

#### **3.2.4.1 Creaturings of a human history**

In addition to positioning the human being in an interim between arrival and return of the lord, Schmitt assigns to this existence a particular character, namely, that of "creaturely autonomy". We have already examined the role of autonomy in Schmitt's concept of the political in the last chapter. But what are we to make of this description of autonomy as a particularly "creaturely" autonomy? Schmitt employs the peculiar term "creaturings" on several occasions in his later texts<sup>743</sup>. Describing the function of the katechon as a "bridge" in the creation of historical space, Schmitt writes:

We draw concrete conclusions from the great impression of [Löwith's] critical analysis and dare to speak once more of a history which is neither merely an archive of that which was, nor a humanistic self-reflection nor a mere piece of nature circling within itself, but rather a growing insertion of the eternal, in great witnessings and in strong creaturings, into the course of time, a taking root in the earth's realm of meaning, through lack and powerless, the hope and honor of our existence<sup>744</sup>.

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<sup>743</sup> In addition to the passages with which I will interact in the following section, Schmitt also uses the word in, at least, *Glossarium*, in the entry dated 29.6.48., as well as in *Political Theology II*, where he writes of a "human being acting in its creaturely autonomy", p. 107.

<sup>744</sup> Schmitt, Carl. *Drei Stufen*, p. 931. "Wir ziehen konkrete Folgerungen aus dem großen Eindruck seiner [Löwith's] kritischen Analyse und wagen es, wieder von einer Geschichte zu sprechen, die nicht nur ein Archiv des Gewesenen ist, aber auch keine humanistische Selbstbespiegelung und auch kein bloßes Stück

Here we have Schmitt's concept of history as clearly presented as anywhere in his work. History is neither an objective series of events located merely in the past, an “archive of that which was”<sup>745</sup>, nor a positivistic realization of human progress, nor a cyclical nature which “circles in itself”, but an, “in strong creaturings, insertion of a piece of the eternal” [*Einstückung des Ewigen*] into the course of time”<sup>746</sup>. Schmitt offers a similar formulation at the end of *Hamlet or Hecuba* when he criticizes a history conceived only “as the past and that which was, no longer as the present and reality”<sup>747</sup>. Yet the nature and meaning of this “creaturings” remains vague.

As a means of approaching the meaning of this pivotal and yet unwieldy term drawn from Schmitt’s interaction with the poet Konrad Weiss, we might begin with a brief consideration of the more mundane root of “creaturings”, namely, “creature”, looking at the way in which this term can point us to a point of intersection and border between the human and the animal. By examining more closely the way in which the “creature” represents a particular position, a *Sonderstellung* which at once belongs and yet does not belong to the animal kingdom, we can, in other words, come to a better understanding of what the terms “creaturings” might mean and thus to a better understanding of Schmitt’s vision of such a creaturely history in its relationship to the human. Two discourses bring the ambivalent zone occupied by the creature to light particularly well. The first of these is a bioethical discourse and the second a German-Jewish dialogue from the early 20<sup>th</sup> century in which, as we will see, the term “creature” signifies a particularly political plane of existence.

### 3.2.4.1.1. Dignitas and bonitas: the human and the animal

With the increasing prominence of genetic technology in the production of foodstuff, the basic question of the human being’s right to exert influence upon ‘creation’ in the widest sense of the term has been posed anew. A concrete example of this question’s importance for political

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*insichselbstkreisender Natur, sondern eine in großen Zeugnissen stürmende, in starken Kreaturierungen wachsende Einstückung des Ewigen in den Ablauf der Zeiten, ein Wurzelschlagen im Sinnreich der Erde, durch Mangel und Ohnmacht die Hoffnung und Ehre unseres Daseins”.*

<sup>745</sup> In *Hamlet or Hecuba*, Schmitt writes of history: “No archive, no museum and no antique store can, with their kind of authenticity, invoke the presence of a myth” (Schmitt, Carl. *HH*, p. 53).

<sup>746</sup> The German word Schmitt uses, *Einstückung*, consists of a prefix, *ein*, which in this case connotes the preposition 'into' and the verb *Stücken*, derived from the substantive *Stück*, or piece. A related verb *Zusammenstücken* means 'to piece together'. The meaning of *Einstückung* is therefore more or less 'the insertion of a piece'. Important in the context of our discussion of a spatial concept of history is that *Einstückung* is more than just an insertion: the element *Stück* makes this clear in that the word *Stück* is inherently physical (*gegenständlich*) and implies a piece which occupies space and possesses in a certain sense mass.

<sup>747</sup> Schmitt, Carl. *HH*, p. 53.

reality as well as the point of departure in Heinke Baranzke's work *Die Würde der Kreatur*, is the phrase "the dignity of the creature" which appears in Article 120 of the Swiss Federal Constitution<sup>748</sup>, the second section of which reads: "The Confederation shall legislate on the use of reproductive and genetic material from animals, plants and other organisms. In doing so, it shall take account of the dignity of living beings [*die Würde der Kreatur*] as well as the safety of human beings, animals and the environment, and shall protect the genetic diversity of animal and plant species"<sup>749</sup>. The basic question, therefore, is whether and if so to what degree human beings have the right to exert control over animals. A thorough evaluation of this question, however, cannot overlook the fact that the term creature, whether intended or not, has theological implications; it implies a creator. Thus, Baranzke has approached this question via a distinction between two biblical traditions of interpreting the human-animal relationship: on the one hand a *bonitas* oriented tradition and on the other a *dignitas* oriented tradition<sup>750</sup>. According to Baranzke these two traditions pose competing definitions of the human-animal relationship: the *bonitas* tradition, exemplified by Genesis 1:31 ("God saw **all** that he had made, and it was very good"<sup>751</sup>), focuses on the equal standing of all of creation while the *dignitas* tradition draws upon Genesis 1:26-28 ("Let us make mankind in our image, in our likeness, so that they may rule over the fish in the sea and the birds in the sky, over the livestock and all the wild animals and over all the creatures that move along the ground"), which suggests that the human being enjoys a position of authority with respect to the rest of creation, that is, that the human being exists on a plane different from and fundamentally above that of the creature. The creature of the *dignitas* tradition is essentially a lacking, needy

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<sup>748</sup> Richter, Dagmar. *Die Würde der Kreatur: Rechtsvergleichende Betrachtungen*, pp. 319-349 in: Zeitschrift für ausländisches öffentliches Recht und Völkerrecht, 67 (2007), p. 319: "This definition is not an original product of the Federal Constitution of 1999. At least in the German language version [...], a preceding norm with the exact same wording had already been added, in 1992, to the old Federal Constitution from 1874 (Art. 24 novies Abs. 3 BV 1874 [...]). This addition can, in turn be traced back to an even older prototype of the dignity of the creature, namely § 14 of the constitution of the canton Aargau from 1980 [...], the developmental history of which is related to the ecology movement of the 1970's (See: Ina P r a e t o r i u s /Peter S a l a d i n, Die Würde der Kreatur (Art. 24novies Abs. 3 BV), Gutachten, in: Schriftenreihe Umwelt Nr. 260, Bundesamt für Umwelt, Wald und Landwirtschaft (Hrsg.), 1996)".

<sup>749</sup> Because Baranzke's work is based on the German version of the constitution in which the term "*Kreatur*", rather than merely "living beings" appears, I provide here the German original: "*Der Bund erlässt Vorschriften über den Umgang mit Keim- und Erbgut von Tieren, Pflanzen und anderen Organismen. Er trägt dabei der Würde der Kreatur sowie der Sicherheit von Mensch, Tier und Umwelt Rechnung und schützt die genetische Vielfalt der Tier- und Pflanzenarten*". It is perhaps of interest that the unofficial English translation is not alone in its use of the term "living creatures", but that the French version also speaks of a respect for "*l'intégrité de organismes vivants*". In addition to the German version, however, both the Italian and the Romansch versions also employ the term "creature", speaking of a "*dignità della creatura*" and a "*dignitad da las creatiras*" respectively. Links to all translations can be found online at the website of the German version: URL: <https://www.admin.ch/opc/de/classified-compilation/19995395/index.html>. Accessed on August 16th, 2015.

<sup>750</sup> Baranzke, Heike. *Die Würde der Kreatur?: die Idee der Würde im Horizont der Bioethik*, Würzburg: Königshausen & Neumann 2002.

<sup>751</sup> Emphasis – N.H..

being<sup>752</sup>.

Baranzke introduces the *bonitas/dignitas* distinction in order to make clear that the main problem in understanding the term creature is not only that of defining the human-animal relationship but the human-creature relationship as well. Put simply, the question at stake is whether the term creature includes human beings or denotes a plane existence above which humans exist. Seen from the perspective of the *dignitas*-tradition, human beings in some way stand, by virtue of their reason for instance, above animals<sup>753</sup>. This tension between the dignity or rationality of the human being and the fact that the human being does in some way belong to the totality of creation positions the human being in a precarious middle position, that is, both beyond and within the realm of the animal. While Baranzke's work does not provide us with a conclusive definition of the creature it does provide us with a basic terminology, along the lines of which we can begin to reflect upon what Schmitt's vision of a history composed of "creaturings" might look like.

Given that Schmitt's focus clearly lies on human, political activity we can eliminate the possibility of a, so to speak, purely *dignitas* oriented meaning of the term "creaturings" in the sense of placing humans above and therefore in static opposition to the creature and its creatureliness as if the human in no way participated in the creaturely. At the same time, it also seems unlikely that Schmitt intends the term strictly in the sense of the *bonitas* tradition, since this would suggest that humans exist entirely on the same plane as animals. Here we may recall Schmitt's emphasis in *Roman Catholicism* on the *civitas humana* as the necessarily in part artificial product of a "normative guidance of social life", our interpretation of the political as an 'artificial' pretention, Schmitt's own mention of Hobbes' "strongest emphasis on the external", the Leviathan's theatrical *sich Spreizen*, as well as the parallels we have drawn between Schmitt's concept of the political and the philosophical anthropology of Max Scheler. Throughout his thought Schmitt consistently emphasized the necessity of understanding human activity as something more than just nature, that is, a mere biological or social mechanism ultimately reducible to a set of laws. For Schmitt, the creatureliness of the human lies neither in a *bonitas* nor a *dignitas* tradition, Schmitt's notion of "creaturings" is

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<sup>752</sup> This understanding of creatureliness can be seen if one turns to Johannes Micraelius' entry to the term creature in the *Lexicon Philosophicum* published in 1662, which appears in Baranzke's work described in the following terms: "There it reads, in addition to further provisions, that the creature is a limited, developed thing of nature (*natura naturata*, finite), which is dependent upon God with respect to its reproduction and preservation (*dependens à Deo*, *ut causa procreante*, *conservante*). It would be subjected to transience if the special grace of the creator did not rush to meet it (*subjecta mutationi*, *nisi peculiaris creatoris gratia accesserit*)": Baranzke, Heike. *Die Würde der Kreatur?*, p. 48.

<sup>753</sup> Baranzke draws upon Cicero in the text *De Officiis*, about which she writes: The universal *logos*-nature of the human being is the presupposition for the realization of its *dignitas*, that is, once again its intellectual endowment on the basis of which the human being can orient itself towards the whole and towards the sphere of the Gods (p. 77).

the attempt to explicate, once more, the position of human activity neither fully animal nor fully free from the animal, rational and yet earthly.

When Schmitt writes in *Political Theology II* that there will remain, until the day of judgment, “the question of what is spiritual and what is worldly and what is to be done with the *res mixtae*”, he means not only to throw into question an apparently neat and absolute distinction between the other-worldly and the this-worldly and to insist upon the fact that politics is always related to substantive claims about human nature, an inherently “spiritual” and not purely “worldly”, immanent question. This dual critique of both immanent this-worldliness, as well as an otherworldly metaphysical postponement, both of which rely upon the absolute separation of the spiritual from the material, is a constant throughout Schmitt’s thought. In response to the Protestant critique of Catholicism as the legalisation of religion, Schmitt argues that religion is not some vague pure interiority and inwardness, not a mere “intuition” (*Anschauung*), but always related to that question of the order of things. And in response to a technicity which would seek to render life nothing more than a factory, Schmitt insists upon the spiritual “surplus” of the political, irreducible to mere materialism. It is this mixture of the two which is at the core of Schmitt’s concept of the human. For it is the *res mixtae* “which, in the, undeniably make up the entire earthly existence of this spiritual-worldly, spiritual-temporal double-being called human”<sup>754</sup>.

#### 3.2.4.1.2. Creatureliness and political existence

The second discourse on the creature which interests us and which can shed further light on this problematic is not a strictly defined tradition in and of itself, but rather a constellation of thinkers in early 20<sup>th</sup> century Germany for whom “creatureliness” occupied a position of importance. This discourse has been identified and thematized with particular intensity in Eric Santner’s 2006 book *On Creaturely Life*, on which I base the following considerations. Santner’s work opens with a discussion of Rilke’s 8<sup>th</sup> Duino Elegy, in which the following lines are to be found:

With all eyes open the creature sees  
the open [...]

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<sup>754</sup> Schmitt, Carl. *Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie*, Berlin: Duncker & Humblot 1970, p. 107. German original: “Die Augustinische Lehre von den zwei verschiedenen Reichen wird bis zum Jüngsten Tage immer von neuem vor diesem Doppelpunkt der offen bleibenden Frage stehen: Quis judicabit? Quis interpretabitur? Wer entscheidet in concreto für den in kreatürlicher Eigenständigkeit handelnden Menschen die Frage, was Geistlich und was Weltlich ist und wie es sich mit den *res mixtae* verhält, die nun einmal in dem Interim zwischen der Ankunft und der Wiederkunft des Herrn die ganze irdische Existenz dieses geistig-weltlichen, spiritual-temporalen Doppelwesens Mensch ausmachen?”.



Mit allen Augen sieht die Kreatur  
das Offene [...]

What Rilke's poem describes is the fact that the human being is constantly caught in a "labor of the negative", in a reflexivity which prevents it from ever achieving "the unimaginable enjoyment of self-being in the otherness manifest by the creature [...], condemned to the ceaseless production of mediating representations"<sup>755</sup>. Thus, if alienation is, as Robert Pippin describes it, "wherever one can detect the presence of self-consciousness and reflection" the creature is the sign of a yet unalienated existence<sup>756</sup>. What Santner identifies in Rilke's elegy is, to write in the terms of the *bonitas/dignitas* distinction, Rilke's adherence to a *dignitas* tradition, his belief that the creature is distinguished from the human being by its lack, while not of rationality as such, of reflexive consciousness. The central difference here is, of course that the rationality which once lent man his dignity and superiority over the rest of creation is, for Rilke, his deficiency, the haunting barrier which blocks the possibility of ever directly accessing the world as 'the open'.

Against this understanding of the creature as fundamentally different from the human, Santner wants to identify "a shift in the notion of the 'creature' and the 'creaturely' that leads us from Rilke's conception to one that belongs more firmly in a tradition I would like to characterize as 'German-Jewish'"<sup>757</sup>. What this tradition identifies is, in other words, a creatureliness associated not so much with the freedom and immediacy of the animal, but with the human being's "exposure to a traumatic dimension of political power and social bonds whose structures have undergone radical transformations in modernity"<sup>758</sup>, life, in other words, lived at the "threshold of law and nonlaw"<sup>759</sup>. Creaturely life is no longer freedom from the law but "a biopolitical animation that distinguishes the human from the animal"<sup>760</sup>. In short, creaturely life is, it turns out, not the designation for an animal existence below that of the human, but a particularly human existence in difference to that of the animal – not the animal, but the human and the human alone is subject to the tumultuous sphere of the political. Not the animal, but the human is particularly creaturely.

Though Santner's focus in this work lies with Benjamin, Sebald, Freud and other

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<sup>755</sup> Santner, Eric. *On Creaturely Life: Rilke, Benjamin, Sebald*, Chicago: The University of Chicago Press 2006, pp. 2-3.

<sup>756</sup> Robert Pippin, *Authenticity in Painting: Remarks on Michael Fried's Art History* in: *Critical Inquiry* 31 (Spring 2005), p. 592. cit. in: Santner, Eric. *On Creaturely*, p. 5.

<sup>757</sup> Santner, Eric. *On Creaturely*, p. 12.

<sup>758</sup> Santner, Eric. *On Creaturely*, p. 12.

<sup>759</sup> Santner, Eric. *On Creaturely*, p. 15.

<sup>760</sup> Santner, Eric. *On Creaturely*, p. 37.

thinkers often associated with a left-leaning philosophy of the oppressed and suppressed, the forgotten and the victimized, it is not surprising that, given Santner's thesis of a biopolitical concept of the creature, Schmitt's thought factors in substantially. And while there is a certain sense in which Schmitt seems to be an immediate candidate for diametrical opposition to this "German-Jewish" intellectual tradition, what I would like to suggest is that Schmitt's concept of creatureliness is similar in certain fundamental aspects. In order to concentrate this analysis I now turn my attention to Walter Benjamin's theorization of the sovereign's creatureliness in *The Origins of the German Mourning Play*, one of the works discussed by Santner in particular.

The Schmitt-Benjamin dialogue has been, since the presentation of a letter from Benjamin to Schmitt, in which the former thanks the latter for his work on sovereignty and makes clear its fundamental importance for his own reflections thereon, a point of interest, since it brings two apparently opposed thinkers into proximity and even direct contact with one another<sup>761</sup>. In Schmittian tones Benjamin writes that "The ruler is designated from the outset as the holder of dictatorial power if war, revolt, or other catastrophes should lead to a state of exception"<sup>762</sup>. Characteristic of Benjamin's theory of Baroque sovereignty, however, is that the figure of the sovereign represents, against the backdrop of the sovereignty which it should be, an incapacity: "The prince, who is responsible for making the decision to proclaim the state of exception, reveals, at the first opportunity, that he is almost incapable of making a decision"<sup>763</sup>. The particular creatureliness of Benjamin's sovereign lies in a fundamental incapacity, a lack which seems, notwithstanding the sovereign's human being, to suggest a 'dignitas-oriented' meaning of the term creature. This is the source of the play's mourning, the impotence of the sovereign, which is not so much tragedy as a melancholic "mood"<sup>764</sup>.

Proceeding from Schmitt's description of a history conceived of as "creaturings" we have been focusing on establishing the concept of the creature's position as one which, whether interpreted in a *bonitas*, *dignitas* or "German-Jewish" tradition, fundamentally centers around the problematic relationship between the human and the animal. In our consideration of Santner's interpretation of the creaturely we have seen him emphasize the idea of a creatureliness which is defined primarily by its inextricability from the

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<sup>761</sup> See further: Heil, Susanne. „Gefährliche Beziehungen“: *Walter Benjamin und Carl Schmitt*, Stuttgart: Metzler 1996.

<sup>762</sup> Benjamin, Walter. *The Origins of the German Tragic Drama*, trans. John Osborne, London: Verso 1977, p. 49, cit. in: Bredekamp, Horst. *From Walter Benjamin to Carl Schmitt, via Thomas Hobbes*, pp. 247-266 in: *Critical Inquiry*, vol. 25, no. 2 (Winter, 1999), p. 260. German original in: Benjamin, Walter. *Ursprung des deutschen Trauerspiels*, ed. Rolf Tiedemann, Frankfurt a.M.: Suhrkamp 1978, pp. 47-48.

<sup>763</sup> Benjamin, Walter. *Origins*, p. 66 cit. in: Bredekamp, Horst. *Walter Benjamin to Carl Schmitt*. German original: Benjamin, Walter. *Ursprung*, p. 52.

<sup>764</sup> See: Santner, Eric. *On Creaturely*, ch. 2, pp. 43-95 on the "mood" of the melancholy.

contingencies of political existence. The particularity of this reading and the way in which it adheres neither entirely to the *bonitas* nor entirely to the *dignitas* tradition lies therein that it identifies the creature both firmly within a realm of the human which, in political nature, stands in difference to the animal while, at the same time, signifying a human being caught up in the political and therefore, in some way, powerless, tied down and bound to the contingencies of a politically earthly existence. Such a definition of the creature escapes the *bonitas* tradition because it does not identify the creature with all of existence but distinguishes the human and the animal. Paradoxically, however, it draws this distinction not by elevating the human above the creature in *dignitas* fashion but by identifying the creaturely with the human, thus avoiding the elevation of the human above the creaturely. Instead we are dealing much more with an elevation of the human to the plane of the creaturely. The human, positioned by virtue of a political life foreign to animals, in a certain sense ‘above’ the animal, is not thereby differentiated from the ‘creaturely’ but elevated to a plane of the creaturely which remains nonetheless characterized by a certain insufficiency. It is, one might say, the privilege of the human to occupy this elevated, exalted powerlessness. What I am suggesting is that this identification of the political with the creaturely is reflected in Schmitt’s concept of the human being.

Without yet addressing Schmitt’s use of the term “creaturings” itself, we can nonetheless begin to identify a way in which Schmitt’s thought exhibits such a creaturely character. Thus, while it may appear that Benjamin, the thinker of the left, posits a powerless sovereign (in solidarity with the politically powerless?) and Schmitt, the authoritarian, an all-powerful sovereign, this reading overlooks two important considerations. Firstly, it paints a picture of Schmitt’s sovereign which suggests a freedom not present in Schmitt’s considerations. While it is not incorrect to say that the decision forms a central element in Schmitt’s theory of sovereignty, it is also not correct, despite Schmitt’s analogization of the declaration of the state of exception with the miracle<sup>765</sup>, to envision Schmitt’s sovereign as an abstract, other-worldly *deus ex machina*, all-powerful and capable of acting in absolute freedom. Schmitt’s sovereign is inextricably caught up in the world of the political and the entire and immense value which Schmitt assigns to the decision receives this value only by virtue of the tremendous effort required to make such a decision in all its existential profundity, a decision which is itself a response to the inability of human’s to ever adequately ground their own auto-nomy. Here it is important to understand that, for Schmitt, the sovereign is a figure which stands beyond the law but never beyond law itself, the juristic –

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<sup>765</sup> Schmitt, Carl. *PT*, p. 43.

“Because the state of exception is always yet something other than an anarchy or chaos, there still exists an order in the juristic sense, even if it is not a legal order”<sup>766</sup> – and that the boundedness of the sovereign to the juristic is in turn the reason for which the sovereign is subject to the contingencies of the political. The boundedness of the sovereign to the juristic is its boundedness to the earthly, to an inherently artificial construct created by human beings as a means of dealing with their being human. What freedom and power there is in the decision is always only the freedom and power of a decision which, just as representative thought has seen through the false impossibility of absolute and perfect correspondence, has been forced to forsake the possibility of a perfect decision. Thus, while it cannot be said that Schmitt’s sovereign is conceived of as incapable of making a decision, the nature of this decision is that of a creature caught in the contingencies of political existence. The second point which an artificially clear difference between Schmitt and Benjamin overlooks is the central importance of the katechon for Schmitt’s political theology and his conception of history as “a movement through powerlessness” (*ein Gang durch Ohnmacht*). On the one hand, there is a sense in which Santner’s definition locates the creatureliness of the human in its helplessness (Benjamin), its subjectness to the political and boundedness to the biological; on the other hand it is of interest that this being subjected to the political, while a sign of the human being’s trappedness in this world, its inability to escape, is at the same time a sign of the human’s position ‘above’ the animal or at least its particularity. To cite Santner once more, creaturely life signifies “a biopolitical animation that distinguishes the human from the animal”<sup>767</sup>. For Santner, in other words, the creaturely is at once a sign of the subordinate, that is, it retains its sense of incapacity and, in perhaps more theological terms, dependence upon a creator, while at the same time relocated out of the intuitive animality of Rilke and into a political cultural sphere formerly the sign of the human’s superiority to the animal. What results is, in other words, the identification of a middle position, more reflexive than that of the animal, more intellectual so to speak, and yet still trapped, cut off in a way from the transcendent.

### 3.2.4.1.3. Schmitt’s conception of the creaturely

Turning now away from the work of Baranzke and Santner, but before moving directly to Schmitt’s own use of the term, we may briefly call to mind to the work of Konrad Weiß, a Catholic poet and long time friend of Schmitt’s, on whose work Schmitt drew on numerous occasions, in particular, in the context of the term “creaturings”. In an introduction to Weiß’

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<sup>766</sup> Schmitt, Carl. *PT*, p. 18.

<sup>767</sup> Santner, Eric. *On Creaturely*, p. 37.

artistic work by Friedhelm Kemp, which Schmitt himself recommends in *Three Levels*<sup>768</sup>, Kemp speaks of an “experience of the creatureliness of one’s own I and of all things as a whole contained in every statement; - and among these things language as well, not as merely dead material which is to be mastered by the poet, but rather as a creature which gives itself meaning out of its historically perpetual occurrence”<sup>769</sup>. Putting aside the fact that Kemp focuses specifically on Weiss’ understanding of language, several similarities between this description and Schmitt’s understanding of history are made clearer. Just as language is not a dead material to be mastered by the poet, so Schmitt speaks of a history other than mere archive of dead, objective events<sup>770</sup>. Instead, history, along with everything else, is itself living, itself creaturely, giving itself meaning through perpetual (historical) occurrence. The “creatureliness” of history is its autonomous development as something other than dead material to be mastered by man. In turn, the “strong creaturings” of which Schmitt writes are the moments in which a thing, man, history, is rendered creaturely, that is living.

In order to understand Schmitt’s use of the term “creaturings”, it is therefore important that we further clarify how it is that Schmitt conceives of history as living, that is, as more than dead, objective events. Given, however, that Schmitt fails to provide anything like a definition of these creaturings’ ‘livingness’, we may turn to another concept which Schmitt also describes as living: the earth. The bond between Schmitt’s conception of history as creaturings and his concept of the earth is made clear when, remembering that in *Three Levels* Schmitt wrote of his creaturely history as “a taking root in the earth’s realm of meaning”, we read in *The Nomos of the Earth* that the act of land-taking is a “taking root in history’s realm of meaning”<sup>771</sup>. By looking at the way in which Schmitt describes the earth as living we can therefore also see how Schmitt might envision an equally living history in opposition to a mere chain of “dead, objective events”.

In *The Nomos of the Earth*, Schmitt begins, as we have already seen, by attempting to reveal the primordial relationship between an act of ‘land-taking’ and law. In a continued polemic against the idea that law can be conceived of in absolutely positivist abstract terms, Schmitt wants to argue that the Greek word *nomos*, generally and, according to Schmitt, falsely translated as law, is intimately related to the German word “*Nehmen*”, which means “to take”. “Since the Sophists, there is no longer really an awareness of the fact that *nomos*

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<sup>768</sup> Schmitt, Carl. *Drei Stufen*, p. 930: “Friedhelm Kemp published an excellent introductory essay about this in the Viennese journal ‘Wort und Wahrheit’ (April 1949) ”.

<sup>769</sup> Kemp, Friedhelm. *Der Dichter Konrad Weiss*, pp. 280-292 in: Wort und Wahrheit (April 1949), p. 282.

<sup>770</sup> Without suggesting that Schmitt himself formulated a similar theory of language four decades earlier, we may nonetheless point to Schmitt’s analysis of Däubler’s use and transformation of language in *Nordlicht*, pp. 36-43.

<sup>771</sup> Schmitt, Carl. *NdE*, p. 19.

and land-taking are related to one another. For Plato *nomos* already has the sense of a ‘*schedon*’, a mere rule (*Politikos* 249 B)<sup>772</sup>. The meaning which Schmitt wants to restore to the term *Nomos* is that of “the first measurement which founds all following standards”, “the first land-taking as the first division and arrangement of space”, “the *Ur*-division and *Ur*-distribution”<sup>773</sup>. Thus, it is of interest that Schmitt employs the term *creaturings* in *The Nomos of the Earth* and, moreover, in a passage entitled “Emperorship, Caesarism, Tyrannis” which immediately follows the section “The Christian Empire as Restrainer (*Kat-Echon*)”<sup>774</sup>. There he writes that “Here too, the great philosophical systems have removed the concrete historical meaning (*Geschichtssinn*) and dissolved the historical *creaturings* (*geschichtliche Kreaturierungen*) of the battle against pagans and unbelievers into neutral generalizations”<sup>775</sup>. What, as Schmitt sees it, “the great philosophical systems” failed to understand was that the struggle against pagans and non-believers was not merely one conflict among many, resolvable with the same political mechanisms as any other, but that it possessed a singular, “concrete historical meaning”. This concrete meaning with which Schmitt associates the *katechon* and a history conceived of in terms of *creaturings* becomes visible when one looks at how Schmitt imagines the abstract generalizations which have replaced it. Instead of a “kingship grounded in a land and in a people [...] the imperial crown belongs to a ‘house’, a dynastic family; the allod of this house is a collection of crowns, rights of possession, claims to succession and abeyances”; “The German king’s crown was, however, thereby robbed of its substance, that is, of its spatial and terrestrial location”<sup>776</sup>. Most important is that we note Schmitt’s continued insistence upon the connection between *katechonal* history, *creaturings* and the concrete, the substantial. In this context it is worth mentioning that a similar emphasis can be seen in a passage from Konrad Weiß’s essay *Christlicher Epimetheus*, upon which Schmitt drew in an important essay of the same title included in *Ex Captivitate Salus*. In his essay, Weiß writes of an “apparently more neutral *ordoesque* and at the same time creaturely more substantial” disposition<sup>777</sup>. What the parallel between a concept of a living history and a

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<sup>772</sup> Schmitt, Carl. *NdE*, p. 37.

<sup>773</sup> Schmitt, Carl. *NdE*, p. 36.

<sup>774</sup> Schmitt, Carl. *NdE*, p. 28.

<sup>775</sup> Schmitt, Carl. *NdE*, p. 33.

<sup>776</sup> Schmitt, Carl. *NdE*, p. 33. A further example of such an abstraction, and the one which gives Schmitt occasion to employ the term “*creaturings*”, is what Schmitt sees as the shift from “*Kaisertum*” (imperial rule) to Caesarism, that is, from “a transcendent unity of a particular kind which effects peace and justice between autarch communities and which is higher and more encompassing only on this basis” (*eine transzendente, Frieden und Gerechtigkeit zwischen den autarken Gemeinschaften bewirkende und nur aus diesem Grunde höhere, umfassendere Einheit besonderer Art*) to “a community of the same kind as the regnum and the autarch civitas, only more perfect” (Schmitt, Carl. *NdE*, p. 32). Providing further examples of this shift is an unnecessary endeavor: the shift which we are identifying here is, to a certain extent, the entire argument of *The Nomos of the Earth* and as such, manifest on every page.

<sup>777</sup> Weiß, Konrad: *Der christliche Epimetheus*, Berlin: Runge 1933, S.5. “God is not historically active through

living earth can help us to see is, initially, that Schmitt's concept of a creaturely history is oriented against an overly abstract philosophy, i.e. a philosophy of history in which the concrete, present moment is subjected to a violent abstraction in which it loses its particular meaning.

Yet, in spite of this emphasis on the concrete and the substantial, the earthly and the physical, Schmitt's concept of creaturings is also more than the physical. The middle position in which Schmitt's concept of creaturings is located becomes clear when one considers that Schmitt's creaturings are a "living history", but that this "living history" is not merely biology – it remains tied to the sacred and to a "realm of meaning". The 'earthliness' of these creaturings and the way in which Schmitt wants to conceive of them as "living" becomes clear when Schmitt, commenting on "the efforts of Willhelm Stapel and Hans Bogner, who have given the 'nomos' the meaning of a 'law of life'", goes on to write: "Yet, in addition to the word 'life', which has been degenerated into the biological, I am bothered by the word 'law', which must be avoided at all costs"<sup>778</sup>. Important is that we note both Schmitt's rejection of a purely biological understanding of the word life as well as that of a concept of law as mere technical, mechanistic rule. A clue about how Schmitt understands the term "life" and therefore a clue about what Schmitt means when he speaks of a creaturely, living history can be found on the page which follows, where Schmitt writes that "In particular nomos can be characterized as a wall, because the wall too rests upon a sacred location. The nomos can grow and increase like land and property: all human nomoi nourish themselves from the one divine nomos"<sup>779</sup>. The fact of Schmitt's rejection of the biological, his double use of the

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the human nor through humanity, that is, the dispositions are simultaneously the creations and the mediation of the plan, the arrows of the plan's extension; and these are, in that they are mediation, less than the classicist concept of humanity, in that they are creations, more than this; like the arrows of the romanesque long house which preserves inside the free divine-human hole in which the universe occurs, which they assist. The dispositions are moreover ordo-esque apparently neutral and at the same time creaturely more substantial than humanity and the human; they too shift with regard to the real human being into a third, half material and half invisible reality".

German original: "Gott wirkt geschichtlich nicht durch das Menschliche und nicht durch die Menschheit, d.h. die Dispositionen sind die Kreationen und Vermittlungen des Planes zugleich, die Pfeiler der Planerstreckung; und diese sind, indem Vermittlungen, weniger als der klassizistische Menschheitsbegriff, indem Kreationen, mehr als dieser; gleich den Pfeilern des romanischen Langhauses, das innerhalb die freie gottmenschliche Lücke bewahrt, in der die universe Form geschieht, welcher sie assistieren. Die Dispositionen sind dazu ordohaft scheinbar neutraler und zugleich kreatürlich substanzieller als die Menschheit und das Menschliche; sie verschieben sich hinsichtlich des wirklichen Menschen ebenfalls in einer dritten, halb materialen und halb unsichtbaren Wirklichkeit".

In particular I reject the idea that this passage should contradict our thesis of a concept of the human because Weiß clearly links history to "mediation" (*Vermittlung*), describing it, in the term similar to Schmitt's concrete order thought: "ordohafter". This ordo-thought is, in turn, itself a more "neutral" form of thought and whether this should lead us back to the middle position of Schmitt's concept of rationality may remain a question posed.

<sup>778</sup> Schmitt, Carl. *NdE*, p. 39.

<sup>779</sup> Schmitt, Carl. *NdE*, p. 40.

“sacred” and the “divine” remind us of Schmitt’s polemic against the biological as a mutation of the mechanistic and therefore the technical, all of which belong to the vocabulary of an absolutely immanent, anti-transcendence oriented worldview.

Schmitt’s philosophy of history, his attempt to circumvent the fatalism of both a cyclical as well as a progressivist reading of history lead him to search for a history capable of grasping the present in its singular meaning. In order to describe the movements of such a history Schmitt turned to the word “creaturings” and, in doing so, proposed a concept of historical existence neither purely material nor immaterial. This history, divine and therefore more than just material as its origin is, cannot escape the fact that it is bound to this earth<sup>780</sup>, “the mother of law”<sup>781</sup>. Guaranteed and granted space by the figure of the katechon, the creaturely history which Schmitt sought to explicate is a taking root in the earth and history’s realm of meaning, in their “realm of meaning” (*Sinnreich*)<sup>782</sup> and, perhaps above all, the attempt to see in modernity both the epochal tragedy which we continue to suffer and yet to grant this tragedy meaning (*Sinn*).

### 3.2.4.2 The spatiality of history

The second characteristic of Schmitt’s katechonal concept of history to which we now turn our attention is its spatiality (*Räumlichkeit*).

At the beginning of this chapter I presented this chapter's focus as Schmitt’s historical rather than geo-political-spatial thought. In investigating the way in which Schmitt recognized the katechon as a possible structure of historical interpretation, however, we have been describing the katechon’s function as that of creating a **space** in which historical activity can take place. The reference to a historical space is by no means accidental and indeed suggests the relevance of Schmitt's spatial theorizing for his conceptualization of history. Thus I propose that, in addition to the term “creaturings”, we can also further develop the concrete substance of Schmitt’s philosophy of history by briefly considering a particular analogy which Schmitt draws when developing not only a third level of historical meaning, but a third level of spatiality as well<sup>783</sup>. In turn, I then want to argue that this space is conceived of as a space

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<sup>780</sup> Schmitt, Carl. *NdE*, p. 6: “[the old Nomos of the earth] proceeded from out the fairytale-esque, unexpected discovery of a new world, from out a irrepeatable historical occurrence. One could only conceive of a modern repetition in fantastic parallels, for example, that, on the way to the moon, humans discovered a heretofore completely unknown planet which they could freely exploit and use in order to alleviate their struggles on earth. The question of a new nomos of the earth cannot be answered with such fantasies”.

<sup>781</sup> Schmitt, Carl. *NdE*, p. 13.

<sup>782</sup> Schmitt, Carl. *NdE*, pp. 19-20.

<sup>783</sup> A curiosity of some interest is that, in a calendar with bible quotes for 1965, Schmitt noted: “the three ways of reading the bible: / frottage of the word / grattage of language / collage of meaning (*Sinn*)”, see: Mehring, Reinhard. *Carl Schmitt: Aufstieg und Fall*, p. 535.



for human activity.

Schmitt's interest in the relationship between space and time announces itself in a somewhat oblique way when he writes in his article *Spatial Revolution: on the spirit of the occident* (1942), that “Our chronology ... truly marked the beginning of a new era [and] was connected to the consciousness not only of the fullness of time, but also of the fullness of the planet and of the planetary horizon”<sup>784</sup>. What interests us here is that, while the emphasis of this statement clearly falls on the importance of space, over and above time, the way in which Schmitt describes time is itself a spatial category; he speaks of a fullness of time, that is, he attributes to the first European spatial revolution a corresponding conception of time. Proceeding from this relationship between the first spatial and temporal revolution, I would like to suggest that we can better understand Schmitt’s conception of a third level of historical meaning if we begin to look at a corresponding third spatial revolution.

Further evidence for a correspondence between spatial and temporal revolution is provided when, in the same article, Schmitt also begins to discuss the second great spatial revolution of European history, the 16<sup>th</sup> century discovery of the Americas. With the discovery of the Americas a corresponding conception of space begins to arise, which Schmitt calls the “faustian sense of space”. The faustian sense of space is characterized by its understanding of the cosmos as an “infinitely empty space”: “Stars, masses of material, move, in that forces of attraction and repulsion balance one another, according to laws of gravitation in an infinitely, empty space”. This empty space ultimately expresses itself even in the European arts and “the painting of the renaissance do away with the space of the medieval gothic painting; now the painters set the humans and things they paint in a space [...] While the figures of the middle ages are ‘angulated’ on columns and walls, [the renaissance’s] sculpture places the statues of the human figure free in space”<sup>785</sup>. Thus, in *International Orders of Greater Spaces with Intervention Prohibition for Foreign Powers*, Schmitt writes that “to the same degree that the concept of the state became the absolutely dominant concept of order of the European continent”<sup>786</sup>, space begins to be conceived of as a “mathematic-neutral, empty”<sup>787</sup> space which “reaches its philosophical climax in the apriorism of the Kantian philosophy in which space is an apriori form of cognition”<sup>788</sup>. Important, and the reason for which we turn to Schmitt’s concept of space, is that this “endlessly empty space” is the spatial parallel to the endless linear sense of time and history which Schmitt assigns to linear “progressivist

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<sup>784</sup> Schmitt, Carl. *Raumrevolution*, p. 219.

<sup>785</sup> Schmitt, *Land und Meer*, p. 69.

<sup>786</sup> Schmitt, Carl. *Großraumordnung*, p. 79.

<sup>787</sup> Schmitt, Carl. *Großraumordnung*, p. 14.

<sup>788</sup> Schmitt, Carl. *Großraumordnung*, p. 80.

thought”, that is, to Enlightenment thought and thus to the epoch of European history inaugurated and initiated by the transition from 16<sup>th</sup> to 17<sup>th</sup> century. This brings us to Schmitt's attempts to articulate both a third level of historical meaning and a third spatial revolution. Because, for Schmitt, all spatial revolutions contain both a reconception of the concept of space itself as well as a geo-political reorganization of space it is important that we begin by considering the geo-political movement of land-taking in response to which Schmitt formulates his concept of a third spatial revolution. This situation is the end of the territorial state of the *jus publicum europaeum*, the inter-stately balance of powers which “no longer corresponds to the truth and to reality”<sup>789</sup> of the mid 20<sup>th</sup> century because, as Schmitt wrote in *The Nomos of the Earth*, “The previous, eurocentric order of international law is dying out today”<sup>790</sup>. The decline of the state as the decisive category of political activity leads Schmitt to seek a new system of political organization. In *International Order of Greater Spaces*, Schmitt continues, as he did in *The Concept of the Political*, to reject a humanitarian, unified world state and formulates the task as “finding, between a merely conservative retention of the previous inter-stately thought and a non-stately, non-national crossing over into a universalist world-law pursued primarily by the western democracies, the concept of a concrete order of larger space (*konkreten Großraumordnung*)”<sup>791</sup>. The concrete concept which Schmitt found with which to enunciate this position between state and world-order is the “greater space”, the *Großraum*, a term with no satisfying translation. Schmitt comments upon the particularity of this word when he writes that:

One cannot criticize the word formation “*Großraum*” for merely connecting the spatial idea of *Groß* with the concept *Raum* and therefore being only the spatial label for an extended, expanded space [...] The meaning of “*Groß*” is something other than a mere quantitative, mathematic-physical meaning. In many compositions with the word *Groß*- [...] the word signifies a qualitative increase<sup>792</sup>.

Key for our consideration of Schmitt’s concept of space is the particularly qualitative difference between the *Großraum* and a large space which Schmitt describes by citing Friedrich Ratzel who wrote that there is “something larger in the wide space, I want to say,

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<sup>789</sup> Schmitt, Carl. *Großraumordnung*, p. 55.

<sup>790</sup> Schmitt, Carl. *NdE*, p. 6.

<sup>791</sup> Schmitt, Carl. *Großraumordnung*, p. 61.

<sup>792</sup> Schmitt, Carl. *Großraumordnung*, p. 75. In addition to the difficulties posed by translation of the word *Groß*, Schmitt also commented, albeit in a somewhat different context, on the difficulty of translating the word *Raum*, citing Julius Evola's translation of *Großraum* as *spazio imperiale* as well as the Slavic word “*Prostor*”, neither of which, according to Schmitt, fully capture the phonetics of the word *Raum*. *Raum und Rom – Zur Phonetik des Wortes Raum* (1951), pp. 491-495 in: *SGN*, pp. 493-494.

creative”<sup>793</sup>. It is thus the particularity of the *Großraum*’s corresponding spatial concept that “the heretofore mathematic, natural science oriented, neutral semantic field is abandoned. Instead of an empty dimension of surface or depth in which bodily objects move, there appears the cohesive ‘performance space’ (*Leistungsraum*), as it belongs to an empire both historical as well as filled with history”<sup>794</sup>. It is thus quite clear that Schmitt’s concept of a third spatial revolution, away from the state-centric order which began with the discovery of the Americas and towards an order of *Großräume* is not merely a reconception of the geo-political ordering of space but of the concept of history as well. Interesting to note is that, while Schmitt wrote of a fullness of time created by the first spatial revolution of the Roman Empire, here we are confronted with a space filled with time (*geschichtserfüllten [...] Reich*). The relationship is mutual and can be pointed in either direction.

Beyond, however, a mere analogy between Schmitt’s investigation of spatial revolutions and his development of a philosophy of history, the relationship between these two interests offers an insight of importance for this study in particular, namely, in that it can further substantiate, via the concept of the political, the informative role which a concept of the human plays in Schmitt’s formulation of a philosophy of history. Thus, while we have begun to press for a mutual relationship between Schmitt’s development of a third level of historical meaning and a third spatial revolution, the full meaning of this analogy only becomes clear when we look more closely at the way in which the spatiality of this history heavily relies upon the invocation, not of the third spatial revolution, but of the first spatial revolution: the expansion of the Roman Empire and a particular sense of time which accompanied it. Thus, as Julia Hell has elucidatingly argued “Despite his insistence on *Reich/Grossraum*’s difference from British Empire and Roman *imperium*, Schmitt’s project of rethinking the spatio-political ordering of the world as a constellation of great spaces bears traces of established ways of thinking about empires and their history”<sup>795</sup>. This parallel between the third and the first spatial revolutions finds expression in the “great parallel to the

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<sup>793</sup> Schmitt, Carl. *Großraumordnung*, p. 76.

<sup>794</sup> Schmitt, Carl. *Großraumordnung*, pp. 76-77.

<sup>795</sup> Hell, Julia. *Katechon: Carl Schmitt’s Imperial Theology and the Ruins of the Future*, pp. 283-326 in: *The Germanic Review: Literature, Culture, Theory*, vol. 84, issue 4 (2009), p. 296. This emphasis on the importance of the first spatial revolution for Schmitt’s own reflections on the meaning of the word *Raum* should, as noted, not suggest that Schmitt was not seriously interested in theorizing a third spatial revolution. In the context of our discussion of the katechon and the opposition between land and sea it may also be noted that Schmitt devotes some paragraphs to the “spatial aspect” of the partisan, which has both a katechonal and a terrestrial or telluric character. Schmitt writes: “Since the First World War airspace has arisen as a new dimension by which the previous *theaters* of land and sea were changed in their spatial structure. In partisan warfare there arises a complicatedly structured, new space of action because the partisan fights neither on an open battlefield nor on the same level as an open frontal war. Rather, it forces its enemy into another space. Thus it adds a darker dimension to the area of the regular, conventional theater of war, a dimension of depth in which the displayed uniform becomes deadly” (*TP*, p. 72).

19<sup>th</sup>/20<sup>th</sup> century, the 1<sup>st</sup> century” upon which Schmitt reflected throughout his writings<sup>796</sup>. Following Hell, Schmitt's concept of space is inextricably tied to what she calls his “imperial theology” or at least to a conception of empire and of the Roman Empire in particular. Turning to Schmitt's essay *Space and Rome – to the phonetics of the word space*, we read that “In its one syllable simplicity, *Raum* contains the world of the vowels between two particular consonants”<sup>797</sup>. Already we can see the parallels between his description of *Raum* and his description of time. Just as Schmitt's concept of history positions us between a beginning and, in opposition to the cyclical interpretation of history, a concrete end the word *Raum*, which mirrors Schmitt's conception of space itself, contains a “vocal middle” which “thereby draws an arc from alpha to omega, beginning and end”<sup>798</sup>. The “vocal middle” of the word *Raum* is the historical space, guaranteed by the katechon, in which we live before the coming of the Antichrist and the outbreak of the apocalypse. The fact that Schmitt unannouncedly slips out of a purely spatial language and when speaking of a beginning and an end into a temporal one is hardly mere coincidence. In this sense we can see that his conception of *Raum* as a space enclosed between two points which are not the same, but which represent beginning and end, “Alpha and Omega”, mirrors his rejection of the first, cyclical conception of history. Hypothetically, that is, a cyclical conception of history would begin and end with the same letter, R or M, while the endless linearity of Enlightenment thought would be reflected in a lack of final consonant. The concrete nature of the analogy between Schmitt's concept of *Raum* and his concept of history becomes clearer when we see that the way in which Schmitt criticizes the Kantian “empty space” is the same way in which he criticizes the second, linear concept of history. This becomes clear for Schmitt when he looks at the word for sea, *Meer*, which, like *Raum*, and like the linear conception of history, is indeed situated between two consonants, between a beginning and an end. The key difference, analogous to that between the linear and the katechon-epochal conceptions of history is that while “*MEER* has a converse position of the liquid consonants M and R and, as a result of the vowel E, no full, but rather an empty middle”, *Raum* is in possession of a “phonetics carried by elementary tensions”<sup>799</sup>.

The mention of “elementary tensions” is central. For, in addition, however, to making clear the analogous structures of Schmitt's third level of historical meaning and his conception

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<sup>796</sup> Schmitt, Carl. *Glossarium*, 30.12.49; cf. *Drei Stufen*, pp. 928-929 and *Solange das Imperium da ist*, pp. 45-49. A brief summary of this parallel in Schmitt's thought is offered by Richard Faber in *Lateinischer Faschismus*, pp. 13-15.

<sup>797</sup> Schmitt, Carl. *Raum und Rom*, p. 492.

<sup>798</sup> Schmitt, Carl. *Raum und Rom*, p. 492.

<sup>799</sup> Schmitt, Carl. *Raum und Rom*, p. 493.

of space, our focus on a spatiality of time is also intended to bring to light a point of particular relevance for the concept of the human and one to which we have already pointed: the relationship between the historical and the political. This relationship lies in Schmitt's emphasis, when describing his concept of space, on the "tensions" which it contains: "Thus, *Raum* is not a closed circle and not a district [*Bezirk*] but a *world*, and this world is no empty space and is also not *in* an empty space, but rather our *Raum* is a world filled with the tension of diverse elements"<sup>800</sup>. These tensions, I am suggesting, must be read in close analogy to the existence of varying, sometimes opposed political forces which create the "pluralism of the world of states" (*Concept of the Political*), the "pluralism of the spiritual world" (*Age of Neutralizations*) and the "division of the earth into multiple larger space, filled with their historical, economic and cultural substance" (*The Last Global Line*)<sup>801</sup>. Schmitt's emphasis on international pluralism is, in spite of his polemic against domestic pluralism, a constant throughout his thought and an essential aspect of his concept of the political. That it makes an appearance in Schmitt's concept of space is indicative, not only because it reinforces the obvious connection between Schmitt's theorization of *Großräume* and the political, but because, in speaking of a "spatiality of history" it suggests that the kind of historical activity for which Schmitt's katechon is intended to create space is political activity and because, as we have seen, Schmitt's concept of political activity is informed by a particular vision of the human.

### 3.3. Closing Remarks: History and the Incarnation

The concrete context of Schmitt's attempt to formulate a philosophy of history capable of endowing history with meaning is his insight into the tragicity of the modern. The protagonist of this tragicity is a concept of the human in its various appearances: as mediating rationality, as desire to hinder the outbreak of absolute, dogmatic war between Catholicism and Protestantism, or as a concept of the secular European jurisprudence not yet profaned, not yet robbed of its sacred remnants. Figures like Hobbes, Hamlet, Rudolf II and institutions like European jurisprudence represent, for Schmitt, attempts to preserve the human which, agonistically caught up in the events of an epochal shift too large for them to see as a whole, could only but suffer and fail. It is in response to this reading of history as mere failure, as the mere inadequacy of all these katechons to delay the end, that Schmitt formulates his philosophy of history and, in doing so, attempts to reveal the meaning of these failures.

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<sup>800</sup> Schmitt, Carl. *Raum und Rom*, p. 493.

<sup>801</sup> Schmitt, Carl. *BdP*, p. 50; 87; *Die letzte globale Linie*, p. 447.

Thus far we have explicated this possibility of historical meaning by discussing the structure of Schmitt's philosophy of history, pointing to the short-comings of both a cyclical and a linear historical structure as well as its relationship to the political. In closing, I would now like to turn somewhat away from the question of historical structure and to an image which, while not explicitly thematized, is nonetheless of particular importance for Schmitt's philosophy of history, illustrative of how Schmitt seeks to endow not only the modern, but all of history with meaning: the incarnation of Christ.

In order to begin to make clear the importance of this image, we may return to Schmitt's discussion of Rome as the first spatial revolution. For Schmitt, the height of the Roman Empire, which "occurs with the first century of our calendar"<sup>802</sup> is connected not only with "the consciousness of the fullness of time, but also that of the fulfilled space of earth [*Erdraumes*]"<sup>803</sup>. Now clearly Schmitt's focus here is on the spatial revolution, but at the same time his mention of this "fullness of time" is significant. For, in addition to the associations which this "fullness of time" may have with the "spatiality of time", the phrase "fullness of time" is particularly important because it is a direct reference to the Roman Empire under the rule of Augustus. The identification of Augustus' rule with this "fullness of time" comes from Galatians 4:4, where we read: "But when the fullness of time had come, God sent his Son, born of a woman, born under the law"<sup>804</sup>. In his biography of Friedrich II, Ernst Kantorowicz has explained the for centuries almost self-evident connection between Galatians and the reign of Augustus in the following way, "in accordance with the word of the scriptures, the Augustinian era was the 'fullness of time' and the only 'aurea aetas' since paradise. For, it was under the rule of the Prince of Peace Augustus that the son of God wished to appear, in order to live under the law as a human and to die, sentenced by the Roman emperor"<sup>805</sup>. Of particular interest here is that much of the connection between the Augustinian reign and the incarnation of Christ rests upon Virgil's Fourth Eclogue in which we read of a "boy's birth in whom / the iron shall cease, the golden race arise". What is interesting about this for Schmitt scholarship is that the lines which precede this 'prophecy' – "and the majestic roll of circling centuries begins anew"; latin: "*Magnus ab integro saeculorum nascitur ordo*" – are the very lines which Schmitt alters in the last sentence of *The Age of Neutralizations* when he writes *Ab integro nascitur ordo*<sup>806</sup>. Without investigating why Schmitt chose to alter these lines –

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<sup>802</sup> Schmitt, Carl. *Land und Meer*, p. 61.

<sup>803</sup> Schmitt, Carl. *Land und Meer*, p. 59.

<sup>804</sup> *New American Bible (Revised Edition)*, Washington, DC: Confraternity of Christian Doctrine Inc., 2010. Here I use the New American Bible because it preserves, in contrast to the *NIV*, the phrase "fullness of time".

<sup>805</sup> Kantorowicz, Ernst. *Kaiser Friedrich der Zweite*, p. 204.

<sup>806</sup> Schmitt, Carl. *ZNE*, p. 87.

noteworthy in light of Schmitt's rejection of a cyclical historical structure is that Schmitt omits the "roll of **circling** centuries"<sup>807</sup> –, it is therefore clear that Schmitt was acquainted with Virgil's Fourth Eclogue and almost unthinkable that he was unaware of the Christological implications of the poem.

Furthermore, while a full explication of the relationship between Galatians 4:4 and 2 Thessalonians: 2, 6-7 cannot be offered here, it is worth considering that the very fate of the katechon, its ultimate inability to hold off the apocalypse indefinitely, is a task performed "that he may be revealed at the proper time"<sup>808</sup>. The sense of time which corresponds to an imperial consciousness of a "fulfilled earth and planetary horizon" is not one of decline, but of an equally "fulfilled" "fullness of time", the right time for some thing to happen<sup>809</sup>. Certainly, the katechon Schmitt imagines is caught amidst a kind of declining empire, pitted against an ultimately inevitable apocalypse. But it is not decline; it is "tranquilitas" which is "the keyword for the Augustinian age", the reign of a *pax romana*<sup>810</sup>.

Understanding the importance of the incarnation for Schmitt's philosophy of history requires that we leave the field of a political analysis in the strict sense and remain open for the mythical elements of Schmitt's concept of space<sup>811</sup>. Such mythical elements, though here not with reference to the Roman Empire, are clearly evidence when Schmitt writes in *Empire-State-Federation* that "Our ideas of *Reich* are rooted in a great millennial German history, the mythical power of which we all feel"<sup>812</sup>. It is in this mythical grounding of Schmitt's thought that both the phonetic parallel between *Raum* and *Rome* as well as the image of the incarnation must be understood. Such mythical elements should not be confused with a mythology in the sense of providing an explanation for the present state of affairs, i.e. a creation myth, but must rather, be understood as an image, an ideal, which can serve to drive current activity<sup>813</sup>.

The invocation of Christ and thus, as I am arguing it, the point of Schmitt's katechonal

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<sup>807</sup> Emphasis – N.H..

<sup>808</sup> 2 Thessalonians: 2, 6-7.

<sup>809</sup> Schmitt, Carl. *Land und Meer*, p. 83: This sense of the time being right for something to happen echoes Schmitt's description of the Calvinist belief in pre-destination. As Schmitt writes, the doctrine of predestination "is, in the language of modern sociology, the highest degree of the self-awareness of an elite which is certain of its rank and and its historical its historical moment".

<sup>810</sup> Kantorowicz, Ernst. *Friedrich der Zweite, Ergänzungsband*, p. 78, note to p. 204 in *Hauptband*.

<sup>811</sup> The mythical elements present and their importance in Schmitt's conception of *Reich* as well as *Großraum* have been clearly presented by Matthias Schmoeckel in: *Die Großraumtheorie. Ein Beitrag zur Geschichte der Völkerrechtswissenschaft im Dritten Reich, insbesondere der Kriegszeit*, Berlin: Duncker & Humblot 1994, pp. 91-97 and pp. 124-133.

<sup>812</sup> Schmitt, Carl. *Staat-Reich-Bund*, pp. 190-198 in: *PB*, p. 195.

<sup>813</sup> In considering these mythical elements it is perhaps important that we not confuse them with mythological elements of Schmitt's thought. Schmitt expresses his desire to distinguish between these two when he writes, in an entry in *Glossarium* that "The short text 'Land and Sea' was supposed to itself be a step beyond the mythological into the mythical" (Schmitt, Carl. *Glossarium* 30.4.48).

philosophy of history lies in the identification of a symbol for the rightness of all historical events, their ordainment. And it is for this reason that Schmitt's reading of modernity as a tragic event bears such central importance for his philosophy of history as a whole, evidenced when he writes in *Hamlet or Hecuba* that "The Christian creed speaks of historical processes. Pontius Pilate is essential where he is and not merely a figure which has unluckily ended up there"<sup>814</sup>. The affirmation of Pilate's presence and role in the crucifixion of Christ, the tragic affirmation of downfall, is the consequence of a Christian philosophy which wants to grasp history in its meaningfulness and of a Christianity which is itself "not morality and not doctrine, not a doomsday sermon and not religion in the sense of comparative religion but rather a historical event of infinite, unpossessable, irreplaceable singularity. It is the incarnation in the Virgin"<sup>815</sup>. The December 13<sup>th</sup>, 1949 entry in *Glossarium* contains an almost identical formulation: "My freedom regarding ideas is without borders because I remain in contact with my inoccupiable center which is not an 'idea' but a historical event: the incarnation of the son of God. For me, Christianity is not primarily a doctrine, nor a moral, nor even (excuse me) a religion; it is a historical event. *Summa contra Gentiles* III 93"<sup>816</sup>.

And it is here, it seems to me, that we find our answer to the question we have posed at the end of this chapter's first part: how can Schmitt be confident that Hobbes and all other catechons did not teach in vain and how can Schmitt, amidst the tragic dialectic of law, speak of a reassuring silence and consideration of law's divine heritage? It is as the revelation of the present as a moment of infinite singularity that we must grasp Schmitt's philosophy of history as the revelation of a history capable of taking seriously the present and it is in the symbolic power of the incarnation as such a moment that it assumes the position of the essence of such a philosophy of history capable of endowing the present with meaning. It is for this reason that "The Christian must raise the parallels [between the 1<sup>st</sup> and the 19th centuries] to the level of identity, because the central events of the Christian eon, arrival, crucifixion and resurrection of the son of man remain alive for him in unchanging presence"<sup>817</sup>. That this is not merely an isolated passage, but something perhaps very close to a core of Schmitt's thought is at least suggested by the fact that, 40 years earlier, in his work on Däubler's *Nordlichter*, Schmitt wrote the following lines:

The panlogists proceed from belief, the historical philosopher, who pulls together millennium of history, from the wonder of the singular, concrete

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<sup>814</sup> "Das christliche Credo spricht von geschichtlichen Vorgängen. Pontius Pilatus ist dort wesentlich am Platze und nicht etwa nur ein seltsamerweise dorthin verirrter Pechvogel", Schmitt, Carl. *Drei Stufen*, p. 930.

<sup>815</sup> Schmitt, Carl. *Drei Stufen*, p. 930.

<sup>816</sup> Schmitt, Carl. *Glossarium*, 13.12.49.

<sup>817</sup> Schmitt, Carl. *Drei Stufen*, p. 930.



second. Nothing is more of a riddle than this very second; that in this very moment this very thing is happening, that right now in Venice the moon peers around the high corners of a Gothic palace and a woman appears behind the window pane, that Christ in that very year and on that very spot, became man. What an abyss of secrets! And to these very children, who in their wonder were so helpless, comes the powerful force to save themselves through violent abstraction from out the despairing state of individuality, to find in millions of seconds, the meaning which no individuality is and in spite of the meaninglessness of the individual moment in time, to believe in the fullness of time<sup>818</sup>.

And indeed, while an attempt to thematically delineate periods within Schmitt's thought can hardly overlook his post-1938 reorientation towards the meaning of history, we may in closing also suggest that the philosophy of history formulated in Schmitt's later thought not only stands in continuity with the rest of his thought via the concept of the human, but that the idea of a history in its singularity and character as 'event' is perhaps, in its core, the explication of the decision which so occupied Schmitt's early thought. The moment of decision, the serious case, is that moment in which, amidst the contingency of the concrete situation which resists any and all subsumption under a norm, a decision of equally existential singularity breaks through the crust of a frozen mechanism. Thus, the exception reveals itself not merely as the theoretical concept upon which Schmitt builds his anti-normativism, but as concept of historical importance. For, every moment is an exception in some way. Every moment is singular. The infinitely irreplaceable nature of the historical moment is the reason for which all norms must fail. But yet, when Schmitt writes of a singular, irreplaceable history, he is not writing of the radical, violent decision, but of a whole, a completeness. He is writing of the whole of human history as an irreplaceable singularity. It is history as the super-epochal moment of human activity in its creatureliness which stretches from creation to apocalypse, which floats amidst and is incomprehensible to the nothingness which precedes the beginning and follows the end.

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<sup>818</sup> Schmitt, Carl. *Nordlicht*, pp. 52-53. In his comparison of Heidegger and Schmitt's concepts of space, Hofmann writes that "Heidegger analyses being in its everydayness while Schmitt proceeds from the collective epochal decision" (Hofmann, Hasso. *Legitimität gegen Legalität*, p. 245). Then, while he does not explicitly thematize the same space-time analogy which we have addressed, he seeks to overcome this apparent difference between the two thinkers by turning to an analogy between Schmitt's concept of space and Heidegger's analysis of historicity (*Geschichtlichkeit*). In doing so, however, he continues to work from the presupposition that Schmitt's interest in history lies exclusively in the epochal and the collective. While acknowledging that the passage from Schmitt's work on Däubler was written in a completely different context and years before Schmitt began to analyze the epochal transition from 16<sup>th</sup> to 17<sup>th</sup> century, it is nonetheless telling that this passage is clearly addressed, not to the carriers of a collective epochal decision, but to the many "children, who in their wonder were so helpless" and to find for these individuals some meaning in history.

## Chapter 4. Summary and Conclusions

“the concept of the human, the ideas of that which is socially humane, are very wavering, even within the civilized world”.

Thomas Mann – *Observations of an Unpolitical* (1918)<sup>819</sup>.

Throughout his intellectual production, Carl Schmitt developed many of his central concepts by referencing, at times explicitly, at times implicitly, a concept of the human. This study has attempted to analyze the structure of this concept and to reveal the ways in which it informed Schmitt’s thought. In order to reveal the importance of a so emphatically and yet vaguely formulated concept, this study has had to forego a clear definition of the human, instead focusing on the ways in which a basic structure manifests itself in various contexts. Thus, we began by turning to a particular problematic in Schmitt’s thought: the meaning of a particularly human rationality, looking at the way in which Schmitt employ the term human in order to describe a particular, neither technical-economic nor fantastic-romantic mode of perceiving the world. Having established a very basic model as well as some of its shortcomings, we then turned our attention to two conceptual complexes within Schmitt’s thought, revealing how the human appears as a central factor in Schmitt’s reflections: the concept of the political and Schmitt’s philosophy of history.

Despite its conceptual vagueness, it is, however, possible to draw together our observations, summarizing several characteristics of this concept of the human.

I. In its manifestation as a form of rationality, the concept of the human is:

1. the attempt to formulate a conceptual alternative to Weber’s principle oriented occidental rationalism.
2. characterized by its desire for mediation rather than the absolute correspondence demanded by scientific thought.
3. oriented towards the social grounding of reason.
4. ultimately plagued by lacking conceptual clarity.

II. With respect to the political, the concept of the human appears:

1. as the particular logic of ideas, not reducible to mere needs, which motivates political activity in contrast to economic activity.

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<sup>819</sup> Mann, Thomas. *Betrachtungen eines Unpolitischen* (1918), Frankfurt: Suhrkamp 2001, p. 444.

2. as 'political thought', that is, as the interpretive perspective from which political activity comes into view in the first place.

III. With respect to Schmitt's historiography and philosophy of history, the concept of the human appears:

1. in the form of human rationality, as a, if not the, main cipher along which Schmitt's reads the fundamentally tragic transition from 16<sup>th</sup> to 17<sup>th</sup> century.
2. as the fundamental dimension and sphere of creatureliness for which Schmitt attempts to create space in his philosophy of history.

In summarizing the various arguments and descriptions which we have put forth in the course of this study we gain a synthetic definition of the human being, an almost collage-like collection of attributes. What we do not fully achieve, however, is a single definition of the human's essence. What is it which Schmitt intends to signify and describe through his concept of the human? What is the common denominator of all these characteristics?

I do not think that there is a single answer to these questions. For, while it is clear that Schmitt initially invokes the human in opposition to the technical-economic thought of a dualistic modern (chapter 1), the range of meanings which we have seen Schmitt attribute to the human can hardly be contained by a single term. At times it appears that the human is meant to describe a particular mode of rationality, supposedly more attuned to the social and cultural worlds inhabited by human beings. At other times (cf. the discussion of jurisprudence in chapter 3) it is related to a form of rationality which has not yet given up its connection to the divine. Still other times it seems imply a kind of autonomy or exercise of reason which can only occur in a secularized world, in a godless interim between arrival and return of the lord. And yet, in spite of the diversity of meanings which we have attributed to the term human, I do think it possible, not to define the human itself, but to point to a certain structure which can describe the way in which these various points relate to one another. This certain structure is what I would like to call the concept of the human's spiritual character, that is, its grounding in a concept of the spirit (*Geist*).

As one can see from the points above, our reflections on the human have identified its presence in two fundamentally different ways. Firstly, as a particular sphere or plane of existence and, secondly, as a mode of perception attuned to the particularities of this sphere. The human refers, therefore, both to the object of observation as well as the mode of observation. It is employed by Schmitt both in order to describe a particular sphere or plane of existence as well as a particular rationality, the only rationality capable of grasping the phenomenon of the human as a particular sphere or plane.

I would like, for the purposes of this conclusion, to refer to the former as the “substantive” meaning of the human and to the later as the “interpretive” meaning. Looking at this study as a whole, we might say that, in its analysis of a human rationality, chapter 1 focused primarily on the interpretive character of the human, while chapter 3 focused primarily on the substantive character. Chapter 2 on the other hand emphasized both, looking not only at the events and sphere of activity which form the sphere and concept of the political, but the very interpretive perspective implied by Schmitt’s conceptualization of the political, which we have referred to as “political thought”.

In the course of this study I have made repeated reference to Dilthey’s foundation of the humanities. Here too it is useful for us to recall the way in which Dilthey defines not only this group of disciplines, but also the “posture of the spirit” (*Verhalten des Geistes*)<sup>820</sup> with which he characterizes the humanities. Dilthey’s definition of the humanities is defined by two primary attributes: the commonality of their object of investigation (“In addition to the natural sciences a group of insights has developed, organically, out of the task of life itself, connected with one another by their common object”<sup>821</sup>) and their mode of interpretation, namely, understanding (*Verstehen*) rather than cognition (*Erkennen*)<sup>822</sup>. What I would like to highlight here is only, once more, the way in which Dilthey defines the humanities both according to their common object of investigation, i.e. the substantive meaning of the humanities, as well as the method which they employ, i.e. the interpretive meaning of the humanities, and which is determined by the object of investigation. It is precisely this relationship between the object and the method, the fact that a particular method is necessitated by a particular object and that the object can, however, only come into view when understood from the correct perspective, which clearly characterizes the two-fold nature of the human in Schmitt’s thought.

The central insight and importance of Dilthey’s formulation for Schmitt’s thought becomes clear when we see that this relationship between object and interpretation has a common denominator which is in the very name of the humanities as *Geisteswissenschaften*, namely, *Geist*. Thus, while in the natural sciences the act of explanation is performed by an intellect which observes a merely physical world, the humanities and their unique nature lie therein that the *Geist* is both the object of observation and the faculty by which it is observed.

The relevance of the *Geist* for Schmitt’s concept of the political is clearly stated when Schmitt writes that

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<sup>820</sup> Dilthey, Wilhelm. *Der Aufbau der geschichtlichen Welt*, p. 86.

<sup>821</sup> Dilthey, Wilhelm. *Der Aufbau der geschichtlichen Welt*, p. 79.

<sup>822</sup> Dilthey, Wilhelm. *Der Aufbau der geschichtlichen Welt*, p. 86.

The enmity between human beings contains a tension which vastly transcends the natural. This transcendental nature breaks through in the human, regardless of whether one calls it transcendent or transcendental. One can call this surplus 'spiritual' [*geistig*] and, if one wishes, substantiate it with Rimbaud's statement: le combat spiritual est aussi brutal que la bataille d'hommes<sup>823</sup>.

Our reflections on the relationship between Schmitt's concept of the human and Dilthey's foundation of the humanities are not intended as a study in Schmitt's relationship to or membership in a neo-Hegelian tradition, and the positioning of Schmitt in a specific intellectual tradition remains beyond the scope of this investigation<sup>824</sup>. Nonetheless, the term *Geist* has a place of particular importance in Schmitt's thought when analyzed in its relationship to the human. It is substantial and material in a way which no intellectualism can be and yet simultaneously the very principle which should differentiate the human from the animal and the material<sup>825</sup>. It is organic in a way that no technicity can comprehend, and yet it celebrates the work of art over and above mere nature, that is, it affirms a human existence in its theatricality, its artifice. In taking the pretention of human existence seriously it does not seek to reduce convictions to a single cause, material or otherwise, and when Schmitt writes of the political as the total as such, it is not an act of reduction, but rather one of identifying the borders of a sphere of activity.

The rational basis of this *Geist* as an interpretive faculty, albeit a rationality different from that of the rule or principle oriented technical rationality, is often overlooked. Anthropologically, such oversight leads to a reading of which suggests, in spite of Schmitt's explicit denial<sup>826</sup>, that the seventh chapter of *The Concept of the Political* has little more than the intention of substantiating a pessimistic, hostile view of the human being. Often then read in conjunction with Schmitt's supposedly ungroundable existential decisionism there results the picture of a political irrationalist, voluntaristic to the absolute exclusion of all rationality. By arguing for the importance of a concept of the human and, in particular, by gaining our entrance into this problematic by analyzing Schmitt's conception of a human rationality, this

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<sup>823</sup> Schmitt, Carl. *Die geschichtliche Struktur des Gegensatzes von Ost und West*, p. 533.

<sup>824</sup> The importance of Hegel for Schmitt's thought is visible not only in various works cited elsewhere in this study, in particular *Die andere Hegel-Linie*, but also when Schmitt characterizes his the lack of a fundamental interaction with Hegel as one of the greatest failures of his intellectual production (Schmitt, Carl. *VA*, p. 428). See additionally the afterword of *Land and Sea*, written (1981) almost forty years after the book's initial publication (1942), in which Schmitt declares the implicit intention of this text as the development of § 247 of Hegel's *Philosophy of Law* "in a way similar to how §§ 243/246 have been developed in Marxism" (Schmitt, Carl. *Land und Meer*, p. 108; cf. Schmitt, Carl. *Die geschichtliche Struktur des heutigen Welt-Gegensatzes von Ost und West* (1955), pp. 543-544). See further and above all, in general: Kervegan, Jean-François. *Hegel, Carl Schmitt. Le politique entre spéculation et positivité*, Paris: PUF 2005.

<sup>825</sup> Cf. our discussion of Scheler in Intr. 4.

<sup>826</sup> Schmitt, Carl. *BdP*, p.112.

study has hoped to counter this primarily pessimistic-decisionistic reading of Schmitt's thought.

### **Concluding excursus on: the concept of the human as a point of cultural conflict.**

In attempting to conceive of human activity as a whole, Schmitt's thought takes on a polemic character. One argumentative structure of this polemic character, which we have encountered on two occasions, is Schmitt's attempt to show how the terms "humanity" and "political" are, while employed with the appearance of impartiality, in fact clearly instrumental in the propagation of a particular and exclusivist world-view. With his concept of the human Schmitt sought to counter the 'liberal', 'western', 'democratic' and 'progressivist' concept of humanity, not however, through mere opposition, but rather by providing what I would like to call a 'competing definition' of the term.

Thus far this study has proceeded in a text-immanent fashion, attempting to understand Schmitt's concept of the human in its own right. In addition to merely elucidating various internal structures and concepts of Schmitt's thought, the concept of the human also reveals itself as a concept of historical importance, as part of a mentality or, if one will, a psycho-cultural complex. Indeed the concept of the human is of indispensable importance if one is to understand the atmosphere in which not only Schmitt, but an entire generation of German intellectuals conceived of their thought. This thought cannot be understood without understanding these attempts of a "delayed nation"<sup>827</sup> to define a concept of humanity equal in stature to that of the West's, to invoke the opposition between civilization and culture and to defend the concept of culture in its poetry and musicality. In order to at least point to the concept of the human's importance for a cultural understanding of this epoch I would now like to draw upon the early work of Thomas Mann, in which the concept of the human is explicated in a similar but more explicit way than in Schmitt's writings, looking at how both conceive of a humanity alternative to an in competition with a 'western' liberal, democratic conception of humanity.

In 1918 Thomas Mann published his *Observations of an Unpolitical*. There, Mann, the critic of the "civilised man of letters" (*Zivilisationsliterat*)<sup>828</sup> wrote of democratic western European "Humanity ... as a revolutionary cry" which "means the collapse of a senile aristocratic societal culture, the emancipation of reason and nature from the chains of the

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<sup>827</sup> Plessner, Helmuth. *Die Verspätete Nation: Über die politische Verführbarkeit bürgerlichen Geistes* (1935 with the title *Das Schicksal deutschen Geistes im Ausgang seiner bürgerlichen Epoche*; republished 1959 with the title *Die verspätete Nation*), Frankfurt a.M.: Suhrkamp 1974.

<sup>828</sup> Mann, Thomas. *Betrachtungen*, pp. 73-87.

civilisation detested by Rousseau”<sup>829</sup>. This predominantly French and English, as a whole, particularly ‘Western’ concept of humanity stands in contrast to a German humanism of seriousness. For, what the “philanthropic politician” ultimately wants is, “with the help of the honourable concept of ‘humanity’, to rob life of all its seriousness, dignity, weight and responsibility [...] It is a matter of the moral kitschification of the world and of life”<sup>830</sup>. Thus, this German humanism reveals its strong ties to Russian humanism, both of which arose out of “histories of suffering”: “for it is clear that a humanity with religious auspices, which rest upon Christian softness and humility, upon suffering and sympathy, is closer to another humanity which has always stood under the sign of the humane education of the world citizen than it is to a third humanity which is, in reality, political screaming”<sup>831</sup>. This serious, pessimistic, russophile humanism is a non-humanitarian humanity corollary to Mann’s belief in a “truly German individualism”, an “anti-individualism which includes the freedom of the individual”<sup>832</sup> and which “necessarily brings forth institutions other than the barrenly abstract individualism of the political west and of ‘human rights’”<sup>833</sup>.

This “problem of humanity” is a central concept, not only for this text, but for Mann’s oeuvre as a whole<sup>834</sup>. Given the developments which Mann’s thought underwent, including Mann’s distancing of himself from the *Observations*<sup>835</sup>, the following lines are not intended to show that Mann and Schmitt have the same view of humanity, nor to fully describe Mann’s relationship to the problem of humanity in its full complexity<sup>836</sup>. Conceptually and culturally there are at least two points in which Schmitt and Mann disagree in a fundamental way:

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<sup>829</sup> Mann, Thomas. *Betrachtungen*, p. 449

<sup>830</sup> Mann, Thomas. *Betrachtungen*, pp. 451-452.

<sup>831</sup> Mann, Thomas. *Betrachtungen*, p. 446.

<sup>832</sup> Mann, Thomas. *Betrachtungen*, p. 293.

<sup>833</sup> Mann, Thomas. *Betrachtungen*, p. 291.

<sup>834</sup> Mehring, Reinhard. *Das »Problem der Humanität«: Thomas Manns politische Philosophie*, Paderborn: Mentis 2003.

<sup>835</sup> Mann’s self-distancing from the anti-democratic, nationalistic tones of the *Observations* (1918) can be seen clearly if one considers the essay *Goethe und Tolstoi’s* publication history. Cf. Mann, Thomas. *Essays, Band 2. Für das neue Deutschland 1919-1925*, ed. Hermann Kurzke and Stephan Stachorski, Frankfurt a.M.: Fischer 1993, p. 314: as the editors write in their commentary: “Mostly in the new parts of the chapter *Instruction [Unterricht]* (used in *Germany and Democracy*) Thomas Mann attempted to correct his position from 1921: instead of a third way between Rome and Moscow, between Enlightenment and asianism, he demands a decisive movement towards the west and ties this to a passing critique of the increasingly popular fascism”. One must also not underestimate the degree to which the post-war Mann attempted to stylize his inter-war writings: “All reprints [of Goethe and Tolstoi] are based upon the 1925 version which Mann later used for *Adel des Geistes*” (p. 314).

<sup>836</sup> Here it may nonetheless be suggested that there are similarities, not only regarding their opposition to a western, democratic employment of the term humanity, but perhaps, at first glance oddly enough, in the role played by pity (*Mitleid*) or, perhaps more precisely, sympathy (*Mitgefühl*) in their works. We have already suggested the importance of pity for Schmitt’s concept of the political (see above, ch. 2.5). Regarding the central importance of pity for Mann’s work, see: Klugkist, Thomas. *Der pessimistische Humanismus: Thomas Manns lebensphilosophische Adaption der Schopenhauerschen Mitleidsethik*, Würzburg: Königshausen & Neumann 2002, in particular pp. 14-31.

firstly, in their cultural location of German culture – for the Russophile Mann German culture is opposed, above all, to Latin culture – and, secondly, in Mann’s disdain for politics and the political, “the political as the suppressor of music”<sup>837</sup>. In addition, the scattered interaction with Mann in Schmitt’s thought evidence an almost always polemic or at least strained relationship<sup>838</sup>. Beyond the differences, however, there remains a fundamental agreement that the term humanity has been usurped and placed in the service of a progressivist, humanitarian, enlightened ideology. In opposition to this ideology Schmitt and Mann want to suggest a divergent but equally, if not even more, humane concept of the human. This concept of the human is, as Heidegger argues in his *Letter on Humanism*, irreducible to a mere polemic against humanity as such, and must be grasped as the attempt to explicate an alternative, ‘competing’ definition of humanism<sup>839</sup>.

Entertaining the possibility of Schmitt’s humanism, not only in spite of but precisely in his anti-liberal humanism, is a necessary consequence for a reading of Schmitt’s thought which seeks to do justice to the complexity of its object of study. In response to and competition with what he perceived as the dominant understanding of this term, Schmitt invoked and suggested another sense of the human: rational but not intellectual, spiritual but not formless, substantial and concrete but not materialistic, earthly and creaturely but not a biologicistic doctrine of *Blut und Boden*, a thought at once of the middle and the exception. Clearly diffuse, and perhaps more of a vision than a concept, this concept of the human is poorly suited to be the basis of a positive definition. What this study has suggested is its importance for the internal coherence of Schmitt’s thought.

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<sup>837</sup> Mann, Thomas. *Betrachtungen*, p. 315. In citing Mann’s fundamentally anti-political posture, I do not mean to suggest that there might not still be a sense in which Mann and Schmitt do indeed have a similar thought in mind, namely, that the politics disdained by Mann is far more the mere expression of a more deeply lying polemic against the democratic West which is certainly present in Schmitt’s thought. In addition, it should be noted that, while written as the observations of an *unpolitical*, something which, for Schmitt, does not exist, Mann does ask whether there might not be a “positive” meaning to his polemic against the political (p. 341).

<sup>838</sup> See: Schmitt, Carl and Eisler, Fritz. *Schattenrisse*. See further: Mehring, Reinhard. »*Problem der Humanität*«, p. 119ff.

<sup>839</sup> As Heidegger argued in his *Letter on Humanism*, there is a “humanism” which “speaks against all previous humanism and yet is absolutely not the proponent of the inhumane”, (Heidegger, Martin. *Über den Humanismus*, Frankfurt a.M.: Klostermann 1949, p. 36). Heidegger, unlike Mann, lays less importance on retaining the label of humanism for his anti-humanistic concept and asks whether one should still refer to such a “humanism” as humanism. But the intention is the same when Heidegger writes that “Because ‘humanism’ is criticized, one fears a defense of the in-humane and a glorification of barbaric brutality. For what is more ‘logical’ than that there remains, for one who negates humanism, only the affirmation of inhumanity” (pp. 36-37). The logic of this competing definition’s opponents is then described by Heidegger in the following terms: “What is happening here? One hears talk of ‘humanism’, of ‘logic’, of ‘values’, of ‘world’, of ‘god’. One hears talk of its opposite. [...] One thinks, with the help of an often called upon logic and ratio, that what is not positive is negative and thus practices the rejection of reason and therefore deserves to be branded as refuse” (p. 38). In any case, whether ‘humanism’ or perhaps something else, the intention of this polemic is clear, namely, “to try, in an open resistance against the ‘humanism’, to dare an impulse which might allow one, for the first time, to wonder about the humanitas of the homo humanus and its grounding” (p. 36).



## Sources Cited

### A. Works by Schmitt

#### A.1. Collections of essays by Schmitt – with abbreviations

*Staat-Großraum-Nomos: Arbeiten aus den Jahren 1916 – 1969* (henceforth: *SGN*), ed. Günter Maschke, Berlin: Duncker & Humblot 1995.

*Verfassungsrechtliche Aufsätze aus den Jahren 1924-1954: Materialien zu einer Verfassungslehre* (henceforth: *VA*), 3<sup>rd</sup> edition, unchanged reprint of the 1958 1<sup>st</sup> edition, Berlin: Duncker & Humblot 1985.

*Positionen und Begriffe im Kampf mit Weimar – Genf – Versailles 1923-1939* (1940; henceforth: *PB*), corrected 4<sup>th</sup> edition, Berlin: Duncker & Humblot 2014.

#### A.2. Books

*Über Schuld und Schuldarten. Eine terminologische Untersuchungen*, Breslau: Schletter 1910.

*Gesetz und Urteil. Eine Untersuchung zum Problem der Rechtspraxis* (1912), München: Beck 2009.

*Schattenrisse* (1913; published with Fritz Eisler under the pseudonym Johannes Mox Doctor Negelinus) republished in Villinger, Ingeborg. *Carl Schmitts Kulturkritik der Moderne: Text, Kommentar und Analyse der "Schattenrisse" des Johannes Negelinus*, Berlin: Akademie 1995.

*Der Wert des Staates und die Bedeutung des Einzelnen* (1914), Berlin: Duncker & Humblot 2004.

*Theodor Däublers Nordlicht. Drei Studien über die Elemente, den Geist und die Aktualität des Werkes* (1916), Berlin: Duncker & Humblot 1991.

*Die Diktatur. Von den Anfängen des modernen Souveränitätsgedankens bis zum proletarischen Klassenkampf*, München and Leipzig: Duncker & Humblot 1921.

*Politische Theologie* (1922; foreword to the second edition 1934), Berlin: Duncker & Humblot 2009.

*Politische Romantik* (1925), Berlin: Duncker & Humblot 1968.

*Römischer Katholizismus und politische Form* (1923), Stuttgart: Klett-Cotta 1984.

*Roman Catholicism and Political Form*, trans. Gary L. Ulmen, Westport, CT: Greenwood Press 1996.

*Die geistesgeschichtliche Lage des heutigen Parlamentarismus* (1926 2<sup>nd</sup> edition), Berlin: Duncker & Humblot 1969.

*Verfassungslehre* (1928), Berlin: Duncker & Humblot 1989.

*Constitutional Theory*, trans. Jeffrey Seitzer with a foreword by Ellen Kennedy, Duke University Press: 2008

*Hugo Preuß – sein Staatsbegriff und seine Stellung in der deutschen Staatslehre*, (Recht und Staat in Geschichte und Gegenwart, Heft 72), Tübingen: Mohr Siebeck 1930.

*Der Hüter der Verfassung* (1929; 1931), Berlin: Duncker & Humblot 1996.

*Legalität und Legitimität* (1932), Berlin: Duncker & Humblot 1980.

*Der Begriff des Politischen* (1932; foreword and afterword 1963), Berlin: Duncker & Humblot: 2009.

*Staat, Bewegung, Volk: Die Dreigliederung der politischen Einheit*, Hamburg: Hanseatische Verlagsanstalt 1933.

*State Movement, People: the triadic structure of the Political Unity*, trans. Simona Draghici, Corvallis, OR: Plutarch Press 2001

*Über die drei Arten des rechtswissenschaftlichen Denkens*, 2<sup>nd</sup> unaltered edition (1934), Berlin: Duncker & Humblot 1993.

*Staatsgefüge und Zusammenbruch des zweiten Reiches. Der Sieg des Burgers über den Soldaten*, Hamburg: Hanseatische Verlagsanstalt 1934.

*Die Wendung zum diskriminierenden Kriegsbegriff* (1938), Berlin: Duncker & Humblot 1988.

*Der Leviathan in der Staatslehre des Thomas Hobbes: Sinn und Fehlschlag eines politischen Symbols* (1938), Köln: Hohenheim 1982.

*The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, trans. George Schwab and Erna Hilfstein, Chicago: University of Chicago Press 2008.

*Völkerrechtliche Großraumordnungen mit Interventionsverbot für raumfremde Mächte*, 3<sup>rd</sup> unchanged edition of the 1941 edition, Berlin: Duncker & Humblot 1991.

*Land und Meer: eine weltgeschichtliche Betrachtung* (1<sup>st</sup> edition 1942) 2<sup>nd</sup>, expanded edition, Stuttgart: Klett-Cotta 1954.

*Der Nomos der Erde (NdE)*, Köln: Greven 1950.

*Die Lage der europäischen Rechtswissenschaft*, Tübingen: Internationaler Universitätsverlag 1950.

*Donoso Cortés in gesamteuropäischer Interpretation: Vier Aufsätze*, Köln: Greven 1950.

*Ex Captivitate Salus. Erfahrungen der Zeit 1945/47*, Köln: Greven 1950.

*Hamlet oder Hekuba: Der Einbruch der Zeit in das Spiel*, Düsseldorf – Köln: Eugen Diederich 1956.

*Theorie des Partisanen: Zwischenbemerkung zum Begriff des Politischen* (1963), Berlin: Duncker & Humblot 1992.

*Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie*, Berlin: Duncker & Humblot 1970

*Glossarium: Aufzeichnungen der Jahren 1947-1951*, Berlin: Duncker & Humblot 1991.

### **A.3. Individual Essays**

*Don Quixote und das Publikum*, pp. 348-350 in: *Die Rheinlande* Bd. 22 (1912).

*Die Buribunken*, pp. 89-106 in: *Summa* 1:4 (1917/1918).

*Die Sichtbarkeit der Kirche. Eine scholastische Erwägung*, pp. 71-80 in: *Summa*. Ein Vierteljahresschrift Heft 2 (1917).

*The Visibility of the Church* pp. 45-59 in *Roman Catholicism*, trans. Ulmen, G.L.

*Illyrien – Notizen von einer dalmatinischen Reise* (1925), p. 483 - 490, in: *SGN*.

*Absolutismus* (1926), p. 95-101 in: *SGN*.

*Das Zeitalter der Entpolitisierungen und Neutralisierungen* (1929) pp. 73-87 in: *BdP*.

*Wesen und Werden des faschistischen Staates* (1929), pp. 124-130 in: *PB*.

*Freiheitsrechte und institutionelle Garantien der Reichsverfassung* (1931), p. 140-173 in: *VA*.

*Starker Staat und gesunde Wirtschaft*, (1932), pp. 71-91 in: *SGN*.

*Der Führer schützt das Recht*, pp. 945-950 in: *Deutsche Juristen-Zeitung*, Heft 15 (1934).

*Politik* (1936), pp. 133-138 in: *SGN*

*Der Staat als Mechanismus bei Hobbes und Descartes* (1936/37), pp. 139-151 in: *SGN*.

*Raumrevolution: Durch den totalen Krieg zu einem totalen Frieden* (1940), pp. 388-394 in: *SGN*.

*Staat-Reich-Bund* pp. 190-198 in: *PB*.

*Der Staat als ein konkreter, an eine geschichtliche Epoche gebundener Begriff* (1941), p. 375-385 in: *VA*.

*Das Land gegen das Meer* (1941), pp. 395-400 in: *SGN*.

*Beschleuniger wider Willen oder: Problematik der westlichen Hemisphäre* (1942), pp. 431 - 440 in: *SGN*.

*Raumrevolution: vom Geist des Abendlandes*, pp. 219-221 in: *Deutsche Kolonialzeitung: Organ der Deutschen Kolonialgesellschaft*, Bd. 12 (1942).

*Grundrechte und Grundpflichten*, pp. 181-231 in: *VA*.

*Die letzte globale Linie* (1943) pp. 441-452 in: *SGN*.

*Drei Stufen historischer Sinnggebung*, pp. 927-931 in: *Universitas*, Jg. 5 (1950).

*Raum und Rom – Zur Phonetik des Wortes Raum* (1951), pp. 491-495 in: *SGN*.

*Dreihundert Jahre Leviathan* (1951), pp. 152-155 in: *SGN*

*Nehmen / Teilen / Weiden: Ein Versuch, die Grundfragen jeder Sozial- und Wirtschaftsordnung vom Nomos her richtig zu stellen* (1953), pp. 488 - 504 in: *VA*.

*Die geschichtliche Struktur des Gegensatzes von Ost und West. Bemerkung zu Ernst Jüngers Schrift: „Der Gordische Knoten“* (1955), pp. 523-551 in: *SGN*.

*Was habe ich getan?* (1957), pp. 13-19 in: *Schmittiana: Band V*, ed. Piet Tommissen, Berlin: Duncker & Humblot 1996.

*Die vollendete Reformation*, pp. 51-69 in: *Der Staat*, vol. 4 (1965).

#### **A.4. Works with Primary Documents by Schmitt**

*Carl Schmitt: Tagebücher. Oktober 1912 bis Februar 1915*, ed. Ernst Hüsmert, Berlin: Akademie 2003.

*Carl Schmitt Tagebücher 1930 bis 1934*. Ed. Wolfgang Schuller and Gerd Giesler, Berlin:

Akademie 2010.

„Solange das Imperium da ist“: Carl Schmitt im Gespräch mit Klaus Figge und Dieter Groh 1971, ed. Frank Hertweck and Dimitrios Kisoudis, Berlin: Duncker & Humblot 2010.

*Schmittiana: Beiträge zu Leben und Werk Carl Schmitts: Band I*, ed. Piet Tommissen, Berlin: Duncker & Humblot 2011.

*Schmittiana: Beiträge zu Leben und Werk Carl Schmitts: Band V*, ed. Piet Tommissen, Berlin: Duncker & Humblot 1996.

## **B. Secondary Sources**

Adorno, Theodor W. *The Authoritarian Personality*, New York: Harper 1950.

Agamben, Giorgio. *La comunità che viene*, Torino: Bollati Boringhieri 2001.

Agamben, Giorgio. *Opus Dei: Archeologia dell'ufficio: Homo sacer*, II,5, Torino: Bollati Boringhieri 2012.

Agamben, Giorgio. *State of Exception*, trans. Kevin Attell. Chicago 2008.

Arendt, Hannah. *Was ist Politik?*, München: Beck 2003.

*Il grande Inquisitore: attualità e ricenzione di una metafora assoluta*, ed. Renata Badii and Enrica Fabbri, Milano: Mimesis 2012.

Balke, Friedrich. *Zur politischen Anthropologie Carl Schmitts*, pp. 37-66 in: *Die Autonomie des Politischen: Carl Schmitts Kampf um einen beschädigten Begriff*, ed. Hans-Georg Flickinger, Weinheim: VCH 1990.

Balke, Friedrich. *Der Staat nach seinem Ende. Die Versuchung Carl Schmitts*, München: Fink 1996.

Ball, Hugo. *Die Politische Theologie Carl Schmitts* (1924), republished in: *Der Fürst dieser Welt: Carl Schmitt und die Folgen*, 2<sup>nd</sup> improved edition, ed. Jacob Taubes, München: Fink 1985.

Baranzke, Heike. *Die Würde der Kreatur?: die Idee der Würde im Horizont der Bioethik*, Würzburg: Königshausen & Neumann 2002.

Becker, Hartmuth. *Die Parlamentarismus Kritik bei Carl Schmitt und Jürgen Habermas*, Berlin: Duncker & Humblot 1994.

- Behrends, Okko. *Von der Freirechtsbewegung zum konkreten Ordnungs- und Gestaltungsdenken*, pp. 34-79 in: *Recht und Justiz im »Dritten Reich«*, ed. Ralf Dreier Frankfurt a.M.: Suhrkamp 1989.
- Benda, Julien. *Der Verrat der Intellektuellen*, trans. Arthur Merin, München: Hanser 1978.
- Bendersky, Joseph. *Schmitt and Freund, Anthropology, Enemies and the State*, pp. 623-635 in *Staat – Souveränität – Verfassung. Festschrift für Helmuth Quaritsch zum. 70. Geburtstag*. Berlin: Duncker & Humblot 2000.
- Benjamin, Walter. *Ursprung des deutschen Trauerspiels*, ed. Rolf Tiedemann, Frankfurt a.M.: Suhrkamp 1978
- Benjamin, Walter. *The Origins of the German Tragic Drama*, trans. John Osborne, London: Verso 1985.
- The Bible: *New International Version* (NIV), 2011.
- Bielefeldt, Heiner. *Kampf und Entscheidung: politischer Existentialismus bei Carl Schmitt, Helmuth Plessner und Karl Jaspers*, Würzburg: Königshausen & Neumann 1994.
- Blumeberg, Hans. *Die Lesbarkeit der Welt*, Frankfurt a.M.: Suhrkamp 1989.
- Blumenberg, Hans. *Die Legitimität der Neuzeit*, Frankfurt a.M.: Suhrkamp 1996.
- Böckenförde, E.-W.. *Politische Theorie und politische Theologie. Bemerkungen zu ihrem gegenseitigen Verhältnis*, pp. 16-25 in: *Religionstheorie und Politische Theologie. Band 1: Der Fürst dieser Welt. Carl Schmitt und die Folgen*, München: Fink 1985.
- Böckenförde, E.-W.. *Vom Ethos der Juristen*, Berlin: Duncker & Humblot 2010.
- Braudel, Fernand. *Le modèle italien*, Paris: Flammarion 1994.
- Brecht, Bertolt. *Der Neinsager* in: *Gesammelte Werke in 20 Bänden*, Vol. 2, ed. Suhrkamp press in cooperation with Elisabeth Hauptmann, Frankfurt a.M.: Suhrkamp 1967.
- Bredenkamp, Horst. *From Walter Benjamin to Carl Schmitt, via Thomas Hobbes*, pp. 247-266 in: *Critical Inquiry*, vol. 25, no. 2 (Winter, 1999).
- Breuer, Stefan. *Anatomie der konservativen Revolution*, Darmstadt: Wissenschaftliche Buchgesellschaft 2005.
- Breuer, Stefan. *Carl Schmitt im Kontext: Intellektuellenpolitik in der Weimarer Republik*, Berlin: Akademie 2012.
- Bürger, Peter. *Theorie der Avantgarde*, 2<sup>nd</sup> edition, Frankfurt: Suhrkamp 1974.

- Bürger, Peter. *Carl Schmitt oder die Fundierung des Politischen auf Ästhetik* pp. 170-176 in: *Zerstörung, Rettung des Mythos durch Licht*. Ed. Christa Bürger. Frankfurt a.M.: Suhrkamp 1986.
- Camman, Alexander. "Die Würde meiner Gedanken", <http://www.zeit.de/2016/22/carl-schmitt-glossarium-briefwechsel-antisemitismus?page=2#comments>. Accessed: July 6<sup>th</sup>, 2016.
- Capitant, Rene. *Hobbes et l'État totalitaire*, pp. 309-317 in: *Le Totalitarisme: Origines d'un concept, genèse d'un débat 1930-1942*, Paris: Cerf 2010.
- Carpentier, Alejo. *The Baroque and the Marvelous Real*, pp. 89-108 in: *Magical Realism: Theory, History, Community*, ed. Lois Parkinson Zamora & Wendy B. Faris, Durham and London: Duke University Press 1995.
- Carrino, Agostino. *Carl Schmitt and European Juridical Science*, pp. 180-194 in: *The Challenge of Carl Schmitt*, ed. Chantal Mouffe, New York: Verso (1999).
- Casel, Odo. *Mysteriengegenwart*, pp. 145-224 in: *Jahrbuch für Liturgiewissenschaft Bd. 8* (1928).
- Casel, Odo, *Beiträge zu römischen Orationen*, pp. 35-45 in: *Jahrbuch für Liturgiewissenschaft Bd. 11* (1931).
- Castelo Branco, Pedro Hermílio Villas Bôas. *Die unvollendete Säkularisierung: Politik und Recht im Denken Carl Schmitts*. Stuttgart: Steiner 2013.
- Colliot-Thélène, Catherine. *Carl Schmitt versus Max Weber: Juridical Rationality and Economic Rationality*, pp. 138-154 in: *The Challenge of Carl Schmitt*, ed. Chantal Mouffe, New York: Verso (1999).
- Croce, Mariano and Salvatore, Andrea. *The Legal Theory of Carl Schmitt*, Oxon and New York: Routledge 2013.
- Daermann, Iris. *Die Maske des Staates. Zum Begriff der Person und zur Theorie des Bildes in Thomas Hobbes' Leviathan*, pp. 72-92 in: *Die Machbarkeit der Welt. Wie der Mensch sich selbst als Subjekt der Geschichte entdeckt*, ed. Mihran Dabag and Kristin Platt, München: Fink, 2006.
- Dahlheimer, Manfred. *Carl Schmitt und der deutsche Katholizismus 1888-1936*, Paderborn: Ferdinand Schöningh 1998.
- de Benoist, Alain. *Carl Schmitt. Bibliographie seiner Schriften und Korrespondenzen*, Berlin:

- Akademie 2003.
- de Maistre, Joseph. *Les Soirées de Saint-Petersbourg ou Entretiens sur le Gouvernement Temporel de la Providence* (septième entretien), *Tome 1* in: *Oeuvres III: Edition critique sous la direction de Jean/Louis Darcel*, Genève: Slatkine 1993.
- Derrida, Jacques. *Of Grammatology* (French original *De la Grammatologie*: 1967), trans. Gayatri Chakravorty Spivak, Baltimore and London: Johns Hopkins University Press 1997.
- de Vitiis, Pietro. *Teologia Politica come Problema Ermeneutico*, Brescia: Morcelliana 2013.
- Dilthey, Wilhelm. *Der Aufbau der geschichtlichen Welt in den Geisteswissenschaften*, pp. 77-188 in: *Gesammelte Schriften*, vol. 7, Göttingen: Vandenhoeck & Ruprecht 1992.
- Duso, Giuseppe. *Die moderne politische Repräsentation: Entstehung und Krise des Begriffs*, Berlin: Duncker & Humblot, 2006.
- Die eigentlich katholische Verschärfung...: Konfession, Theologie und Politik im Werk Carl Schmitts*, ed. Bernd Wacker, München: Fink 1994.
- Engisch, Karl. *Die Idee der Konkretisierung in Recht und Rechtswissenschaft unserer Zeit* (1953), 2nd edition Heidelberg: C. Winter 1968
- Faber, Richard. *Die Verkündigung Vergils. Reich – Kirche – Staat. Zur Kritik der „politischen Theologie“*, Hildesheim: Olms 1975.
- Faber, Richard. *Lateinischer Faschismus: Über Carl Schmitt den Römer und Katholiken*, Berlin: Philo 2001.
- Faber, Richard. *Politische Dämonologie: über modernen Marcionismus*, Würzburg: Königshausen & Neumann 2007.
- Fischer, Joachim. *Philosophische Anthropologie. Zur Rekonstruktion ihrer diagnostischen Kraft* pp. 249-280 in: *Unter offenem Horizont. Anthropologie nach Helmuth Plessner. Mit einem Geleitwort von Dietrich Goldschmidt*, ed. Jürgen Friedrich and Bernd Westermann., Frankfurt a.M.: Lang 1995.
- Fischer, Joachim *Exploring the Core Identity of Philosophical Anthropology through the Works of Max Scheler, Helmuth Plessner, and Arnold Gehlen*, pp. 153-170 in: *Iris*, Vol. 1, No. 1 (April 2009).
- Foucault, Michel. *Die Wahrheit und die juristischen Formen*, trans. Michael Bischoff, Frankfurt a.M.: Suhrkamp 2003.



- Freyer, Hans. *Weltgeschichte Europas. 2*, Wiesbaden: Dieterich 1948.
- Fromm, Erich. *Escape from Freedom*, New York and Toronto: Farrar & Rinehart 1941.
- Galli, Carlo *La Genealogia della Politica*, Bologna: Il Mulino 1996.
- Galli, Carlo. *Lo sguardo di Giano: Saggi su Carl Schmitt*, Bologna: Il Mulino 2008.
- Galli, Carlo. *Representation and the Concrete*, trans. Adam Sitze and Amanda Minervini, pp. 60-83 in: *Political Theology and Early Modernity*, ed. Graham Hammill and Julia Reinhard Lupton, Chicago: The University of Chicago Press 2012.
- Goethe, J.W. von, *Italienische Reise – Sonderausgabe*, ed. Herbert von Einem, München: Beck 1981.
- Groh, Ruth. *Arbeit an der Heillosigkeit der Welt: zur politisch-theologischen Mythologie und Anthropologie Carl Schmitts*. Frankfurt a.M.: Suhrkamp 1998.
- Großheim, Michael. *Politischer Existenzialismus: Subjektivität zwischen Entfremdung und Engagement*, Tübingen: Mohr Siebeck 2002.
- Grossheutschi, Felix. *Carl Schmitt und die Lehre vom Katechon*, Berlin: Duncker & Humblot 1996.
- Habermas, Jürgen. *Erkenntnis und Interesse*, Frankfurt a.M.: Suhrkamp 1969.
- Habermas, Jürgen. *Theory of Communicative Action: Band 1*, Frankfurt a.M.: Suhrkamp 1981.
- Habermas, Jürgen. *Die Schrecken der Autonomie*, pp. 101-114 in: *Eine Art Schadensabwicklung*, Frankfurt a.M.: Suhrkamp 1987. Originally published in: *Babylon. Beiträge zur jüdischen Gegenwart*, I, 1986, pp. 108-119. English: *Sovereignty and the Führerdemokratie* in: *The Times Literary Supplement*, September 26<sup>th</sup>, 1986.
- Habermas, Jürgen. *Faktizität und Geltung*, Frankfurt a.M.: Suhrkamp 1998.
- Habermas, Jürgen. *Der Gespaltene Westen*, Frankfurt a.M.: Suhrkamp 2004.
- Habermas, Jürgen. *Zwischen Naturalismus und Religion*, Frankfurt a.M.: Suhrkamp 2009.
- Halpern, Richard. *The King's Two Buckets: Kantorowicz, Richard II, and Fiscal Trauerspiel*, pp. 67-74 in: *Representations*, vol. 106, No. 1 (Spring 2009).
- Harenburg, Jan. *Die Rechtsdogmatik zwischen Wissenschaft und Praxis: Ein Beitrag zur Theorie der Rechtsdogmatik*, Stuttgart: Steiner 1986.

- Harnack, Adolf von. *Das Wesen des Christentum: sechszehn Vorlesungen vor Studierenden aller Fakultäten im Wintersemester 1899/1900 an der Universität Berlin*, ed. Trutz Rendtorff, Gütersloh: Chr. Kaiser 1999.
- Hebeisen, Michael Walter. *Recht und Staat als Objektivierungen des Geistes in der Geschichte*, Biel: Schweizer Wissenschafts- und Universitätsverlag 2004.
- Hefele, Hermann. *Zum Problem einer Politik aus dem katholischen Glauben*, pp. 195-97 in: *Abendland: deutsche Monatshefte für europäische Kultur, Politik und Wirtschaft*, April 1927.
- Heidegger, Martin. *Sein und Zeit*, Tübingen: Max Niemeyer 2006.
- Heidegger, Martin. *Schöpferische Landschaft: Warum bleiben wir in der Provinz?* pp. 9-13 in: *Gesamtausgabe: Bd. 13: Aus der Erfahrung des Denkens: 1910-1976*, ed. Hermann Heidegger, Frankfurt: Klostermann 1983.
- Heidegger, Martin. *Über den Humanismus*, Frankfurt a.M.: Klostermann 1949.
- Heil, Susanne. „Gefährliche Beziehungen“: *Walter Benjamin und Carl Schmitt*, Stuttgart: Metzler 1996.
- Heimes, Claus. *Politik und Transzendenz. Ordnungsdenken bei Carl Schmitt und Eric Voegelin*, Berlin: Duncker & Humblot 2009.
- Hell, Julia. *Katechon: Carl Schmitt's Imperial Theology and the Ruins of the Future*, pp. 283-326 in *The Germanic Review: Literature, Culture, Theory*, Vol. 84, Issue 4 (2009).
- Heller, Hermann. *Autoritärer Liberalismus?* (1933), pp. 643-653 in: Heller, Hermann. *Gesammelte Schriften. Zweiter Band: Recht, Staat, Macht*, Leiden: Sijthoff 1971.
- Hernández Arias, José Rafael. *Donoso Cortés und Carl Schmitt. Eine Untersuchung über die staats- und rechtsphilosophische Bedeutung von Donoso Cortés im Werk Carl Schmitts*. Paderborn: Ferdinand Schöningh, 1998.
- Herrera, Hugo Eduardo. *Carl Schmitt als politischer Philosoph: Versuch einer Bestimmung seiner Stellung bezüglich der Tradition der praktischen Philosophie*, Berlin: Duncker & Humblot 2010.
- Hobbes, Thomas. *Leviathan: with selected variants from the Latin edition of 1668*, ed. Edwin Curley. Indianapolis, IN: Hackett, 1994.
- Hofmann, Hasso. *Legalität gegen Legitimität: Der Weg der politischen Philosophie Carl Schmitts*, Luchterhand 1964.

- Horkheimer, Max. *Eclipse of Reason* (1947), New York: Continuum 1985.
- Hooker, William. *Carl Schmitt's International Thought: Order and Orientation*, Cambridge: Cambridge University Press 2009.
- Humboldt, Wilhelm von. *Ideen über einen Versuch die Grenzen der Wirksamkeit des Staates zu bestimmen*, Stuttgart: Reclam 2010.
- The International Political Thought of Carl Schmitt: Terror, Liberal War and the Crisis of Global Order*, ed. Louiza Odysseos and Fabio Petito, Routledge 2007.
- Irenäus of Lyon: *Fünf bücher gegen die Häresien*. Übers von E. Klebba. In: *Des Heiligen Irenäus ausgewählte Schriften. Bd. II*. München 1912 (= Bibliothek der Kirchenväter. Bd. 4).
- Jacob Taubes - Carl Schmitt: Briefwechsel mit Materialien*, ed. Herbert Kopp-Oberstebrink, Thorsten Palzhoff and Martin Treml. München: Fink 2012.
- Kahn, Victoria, *Hamlet or Hecuba: Carl Schmitt's Decision*, p. 76. in *Representations*, Vol. 83, No. 1 (Summer 2003) pp. 67-96.
- Kahn, Victoria. *Political Theology and Fiction in The King's Two Bodies*, pp. 77-101 in: *Representations*, Vol. 106, No. 1 (Spring 2009).
- Kant, Immanuel. *Kritik der praktischen Vernunft*, Stuttgart: Reclam 1961.
- Kaiser, Joseph H. *Die Dialektik der Representation*, pp. 71-81 in: *Festschrift für Carl Schmitt zum 70. Geburtstag*, ed. Hans Barion, Ernst Forsthoff, Werner Weber. Berlin: Duncker & Humblot 1959.
- Kantorowicz, Ernst. *Kaiser Friedrich der Zweite* (1927), Stuttgart: Klett-Cotta 1980.
- Kantorowicz, Ernst. *The King's Two Bodies: a study in political theology*, Princeton, NJ: Princeton University Press 1957.
- Kaufmann, Matthias. *Recht ohne Regel*, Freiburg i.B.: Alber 1988.
- Kelly, Duncan. *Carl Schmitt's Theory of Representation*, pp. 113-134 in: *Journal of the History of Ideas*, Vol. 65, No. 1 (Jan., 2004).
- Kelsen, Hans. *Reine Rechtslehre*, Tübingen: Mohr Siebeck 2008.
- Kemp, Friedhelm. *Der Dichter Konrad Weiss*, pp. 280-292 in: *Wort und Wahrheit*, April 1949.
- Kennedy, Ellen. *Carl Schmitt und die Frankfurter Schule. Deutsche Liberalismuskritik im 20. Jahrhundert*, trans. Angela Adams, pp. 380-419 in: *Geschichte und Gesellschaft* 12. Jahrg.,

- H.3, Wissenschaft und Nationalsozialismus (1986).
- Kennedy, *Politischer Expressionismus* pp. 233-265 in *Complexio Oppositorum*, ed. Helmut Quaritsch, Berlin: Duncker & Humblot 1988.
- Kervegan, Jean-françois. *Hegel, Carl Schmitt. Le politique entre spéculation et positivité*, Paris: PUF 2005.
- Kierkegaard, Søren. *The Concept of Anxiety. A simple psychologically orienting deliberation on the dogmatic issue of hereditary sin*, ed. and trans. Reidar Thomte and Albert B. Anderson, Princeton, NJ: Princeton University Press 1980.
- Klugkist, Thomas. *Der pessimistische Humanismus: Thomas Manns lebensphilosophische Adaption der Schopenhauerschen Mitleidsethik*, Würzburg: Königshausen & Neumann 2002.
- Kojève, Alexandre. *Hegel. Kommentar zur Phänomenologie des Geistes*, Frankfurt a.M.: Suhrkamp 1975.
- Kramme, Rüdiger. *Helmuth Plessner und Carl Schmitt: eine historische Fallstudie zum Verhältnis von Anthropologie und Politik in der deutschen Philosophie der zwanziger Jahre*, Berlin: Duncker & Humblot 1989.
- Krockow, Christian Graf von. *Die Entscheidung. Eine Untersuchung über Ernst Jünger, Carl Schmitt, Martin Heidegger*, Stuttgart: Ferdinand Enke 1958.
- Langbehn, Julius. *Rembrandt als Erzieher* (1890), Weimar: Duncker 1944. Published under the name "From a German" (*Von einem Deutschen*).
- Lange, Christoph. *Myterium Wirklichkeit: Walter Warnach und der politische Manierismus Carl Schmitts*, München: Fink 2003.
- Löwith, Karl. *Der okkasioneller Dezisionismus von C. Schmitt* in: *Gesammelte Abhandlungen. Zur Kritik der geschichtlichen Existenz*, Stuttgart: Kohlhammer 1960.
- Lukács, Georg. *Die Zerstörung der Vernunft*, Berlin: Aufbau 1954.
- Lukács, Georg. *Geschichte und Klassenbewusstsein* in *Werke*, vol. 2, Neuwied: Luchterhand 1968.
- Mann, Thomas. *Betrachtungen eines Unpolitischen* (1918), Frankfurt: Suhrkamp 2001.
- Mann, Thomas. *Essays Band 2. Für das neue Deutschland 1919-1925*, ed. Hermann Kurzke and Stephan Stachorski, Frankfurt a.M.: Fischer 1993.

- Marcuse, Herbert. *Der Kampf gegen den Liberalismus in der totalitären Staatsauffassung*, pp. 17-55 in: *Kultur und Gesellschaft I*, Frankfurt a.M.: Suhrkamp 1965.
- Marder, Michael. *Groundless Existence: the political ontology of Carl Schmitt*, New York: Continuum 2010.
- Marx, Karl. *Das Kapital. Kritik der politischen Ökonomie, Erster Band: Buch I: Der Produktionsprozeß des Kapitals*, vol. 23 in: *Marx Engels Werke*, Berlin: Dietz 1972.
- Maschke, Günter. *La Rappresentazione Cattolica: Carl Schmitts Politische Theologie mit Blick auf italienische Beiträge*, pp. 557-575 in: *Der Staat* 28 (1989).
- Maschke, Günter. *Carl Schmitt in den Händen der Nicht-Juristen*, pp. 104-129 in: *Der Staat* 34 (1995).
- Maus, Ingeborg. *Bürgerliche Rechtstheorie und Faschismus: Zur sozialen Funktion und aktuellen Wirkung der Theorie Carl Schmitts*, München: Fink 1976.
- McCormick, John. *Carl Schmitt's Critique of Liberalism: Against Politics as Technology*, Cambridge: Cambridge University Press, 1999.
- Mehring, Reinhard. *Pathetisches Denken. Carl Schmitts Denkweg am Leitfaden Hegels: Katholische Grundstellung und antimarxistische Hegelstrategie*, Berlin: Duncker & Humblot 1989.
- Mehring, Reinhard. *Das »Problem der Humanität«: Thomas Manns politische Philosophie*, Paderborn: Mentis 2003.
- Mehring, Reinhard. *Die Überwindung des Ästhetizismus*, pp. 125-147 in: *Athenaeum. Jahrbuch für Romantik*, vol. 16 (2006).
- Mehring, Reinhard. *Carl Schmitt: Aufstieg und Fall. Eine Biographie*, München: Beck 2009.
- Meier, Christian. *Zu Carl Schmitts Begriffsbildung – Das Politische und der Nomos*, pp. 537 – 556 in *Complexio Oppositorum*, ed. Helmut Quaritsch, Berlin: Duncker & Humblot 1988.
- Meier, Heinrich. *Carl Schmitt, Leo Strauss und »Der Begriff des Politischen«*. *Zu einem Dialog unter Abwesenden* (1988), 3<sup>rd</sup> edition. Stuttgart: J.B. Metzler 2013. Translation: *Carl Schmitt and Leo Strauss: The Hidden Dialogue*, Chicago 2012.
- Meier, Heinrich. *Die Lehre Carl Schmitts: Vier Kapiteln zur Unterscheidung Politischer Theologie und Politischer Philosophie* (1994), 2<sup>nd</sup> edition. Stuttgart: J.B. Metzler 2004.
- Meier, Heinrich. *Warum politische Philosophie?* pp. 11-37 in: *Politische Philosophie und die*

- Herausforderung der Offenbarungsreligion*, München: Beck 2013.
- Meinel, Florian. *Diktatur der Besiegten? Ein Fragment Carl Schmitts zur Notstandsverfassung der Bundesrepublik*, pp. 455-73 in: *Der Staat* vol. 52 (2013).
- Meuter, Günter. *Der Katechon: Zu Carl Schmitts fundamentalistischer Kritik der Zeit*, Berlin: Duncker & Humblot 1994.
- Mohler, Armin. *Die konservative Revolution in Deutschland 1918-1932: ein Handbuch*, Graz: Ares 2005.
- Mohler, Armin. *Carl Schmitt und die „konservative Revolution“*, pp. 129-157 in *Complexio Oppositorum*, ed. Helmut Quaritsch, Berlin: Duncker & Humblot 1988.
- Motschenbacher, Alfons. *Katechon oder Großinquisitor - Eine Studie zu Inhalt und Struktur der Politischen Theologie Carl Schmitts*, Marburg: Tectum 2000.
- Mouffe, Chantal. *On the Political*, Abingdon, U.K.: Routledge 2005.
- Müller, Jan-Werner. *A Dangerous Mind: Carl Schmitt in Post-War European Thought*, New Haven, CT: Yale University Press, 2003.
- Neumann, Volker. *Die Idee im Lichte der Wirklichkeit*, pp. 557-575 in: *Complexio Oppositorum*, ed. Helmut Quaritsch, Berlin: Duncker & Humblot 1988.
- Neumann, Volker. *Carl Schmitt als Jurist*, Tübingen: Mohr Siebeck 2015.
- New American Bible (Revised Edition)*, 2010 Confraternity of Christian Doctrine, Inc., Washington, DC.
- Niekisch, Ernst. *Das Reich der niederen Dämonen*, Berlin: Rütten & Loening 1957.
- Niekisch, Ernst. *Über Carl Schmitt*, pp. 8-9 in: *Augenblick* 4 (1956).
- Nietzsche, Friedrich. *Sämtliche Werke: kritische Studienausgabe in 15 Bänden. Vol. 6*. Ed. Giorgio Colli and Mazzino Montinari, München: Dt. Taschenbuch-Verlag 1988.
- Noack, Paul. *Carl Schmitt: eine Biographie*. Berlin/Frankfurt a.M.: Propyläen 1996.
- Ojakangas, Mika. *A Philosophy of Concrete Life*, Bern: Peter Lang 2006.
- Ojakangas, Mika. *The Sacred Origins of Law*, pp. 34-54 in: *Telos* no. 147 (Summer 2009).
- Palaver, Wolfgang. *A Girardian Reading of Schmitt's Political Theology*, pp. 43-68 in: *Telos* no. 93 (Fall 1992).
- Palaver, Wolfgang. *Die mythischen Quellen des Politischen: Carl Schmitts Freund-Feind-*

- Theorie* Stuttgart: Kohlhammer 1998.
- Pan, David. *Enemies, Scapegoats and Sacrifice: A Note on Palaver and Ulmen* in the same volume, pp. 81-88: Telos no. 93 (Fall 1992).
- Paric, Danijel. *Anti-römischer Affekt: Carl Schmitts Interpretation der Erbsündenlehre und ihre wissenschaftstrategische Funktion*, Berlin: LIT 2012.
- Petzold, Joachim. *Konservative Theoretiker des deutschen Faschismus*, Berlin: VEB 1982.
- Robert Pippin, *Authenticity in Painting: Remarks on Michael Fried's Art History* in: *Critical Inquiry* 31 (Spring 2005).
- Pitkin, Hannah. *The Concept of Representation*, pp. 14-37, Berkley and Los Angeles: University of California Press 1967.
- Plessner, Helmuth. *Gesammelte Schriften IV: Stufen des Organischen und der Mensch: Einleitung in die philosophische Anthropologie*, Frankfurt a.M.: Suhrkamp 1981.
- Plessner, Helmuth. *Die Verspätete Nation: Über die politische Verführbarkeit bürgerlichen Geistes* (1935 with the title *Das Schicksal deutschen Geistes im Ausgang seiner bürgerlichen Epoche*; republished 1959 with the title *Die verspätete Nation*), Frankfurt a.M.: Suhrkamp 1974.
- Proudhon, P.J., *Écrits sur la Religion*. Paris: Rivière 1959.
- Quaritsch, Helmut. *Positionen und Begriffe Carl Schmitts*, Berlin: Duncker & Humblot 1995.
- Rawls, John. *Political Liberalism*, New York: Columbia University Press 1996.
- Rehberg, Karl Siegbert. *Philosophische Anthropologie und die „Soziologisierung“ des Wissens vom Menschen. Einige Zusammenhänge zwischen einer philosophischen Denktradition und der Soziologie in Deutschland*, pp. 160-198 in: *Soziologie in Deutschland und Österreich von 1918 bis 1945. Materialien zu Entwicklung, Emigration und Wirkungsgeschichte* (Kölner Zeitschrift für Soziologie und Sozialpsychologie), Sonderheft 23 (1981), ed. R.M. Lepsius.
- Reich, Wilhelm. *Die Massenpsychologie des Faschismus*, Köln: Anaconda 2011.
- Reicke, Siegfried. *Säkularisierung*, in *Die Religion in Geschichte und Gegenwart*, 3<sup>rd</sup> edition, vol. 5, p. 1280, Tübingen: Mohr Siebeck 1961.
- Rensmann, Lars. Review of Michael Marder's *Groundless Existence: The Political Ontology of Carl Schmitt* in Notre Dame Philosophical Reviews: an electronic journal. URL:

<https://ndpr.nd.edu/news/29069-groundless-existence-the-political-ontology-of-carl-schmitt/>. Accessed on: August 9<sup>th</sup>, 2015.

Richter, Dagmar. *Die Würde der Kreatur: Rechtsvergleichende Betrachtungen*, pp. 319-349 in: *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, 67 (2007).

*Historisches Wörterbuch der Philosophie*, ed. Joachim Ritter and Karlfried Gründer, Basel: Schwabe 1971-2007.

Böckenförde, E.W.. Entry to *Ordnungdenken, konkretes*, pp. 1312-1315 in: *Historisches Wörterbuch der Philosophie*, vol. 3, Joachim Ritter and Karlfried Gründer, Basel: Schwabe 1974.

Maydell, Alexander von and Wiehl, Reiner. Entry to *Gemeinsinn*, pp. 243-247 in: *Historisches Wörterbuch der Philosophie*, vol. 6, ed. Joachim Ritter and Karlfried Gründer, Basel: Schwabe 1984.

Roth, Klaus. *Carl Schmitt – ein Verfassungsfreund? Seine Stellung zur Weimarer Republik in der Phase der relativen Stabilisierung (1924-29)*, pp. 141-156 in: *Zeitschrift für Politik. Organ der Hochschule für Politik* (2005) vol. 52.

Rumpf, Helmut. *Carl Schmitt and Thomas Hobbes: Ideelle Beziehung und aktuelle Bedeutung mit einer Abhandlung über: die Frühschriften Carl Schmitts*, Berlin: Duncker & Humblot 1972.

Salvatore, Andrea. *The Tragic Theory of Carl Schmitt* pp. 181-187 in: *Telos* No. 161 (Winter 2012).

Santner, Eric. *On Creaturely Life: Rilke, Benjamin, Sebald*, Chicago: The University of Chicago Press, 2006.

Scheler, Max. *Die Stellung des Menschen im Kosmos*, München: Nymphenburger 1947.

Schelsky, Helmut. *Thomas Hobbes. Eine politische Lehre*, Berlin: Duncker & Humblot 1981.

Scheuermann, W.E. *Carl Schmitt: The End of Law*, Lanham, MD: Rowmann & Littlefield 1999.

Schickel, Joachim. *Gespräch mit Carl Schmitt*, Berlin: Merve Verlag, 1993.

*Hans Blumenberg – Carl Schmitt. Briefwechsel 1971-1978*, ed. Alexander Schmitz and Marcel Lepper, Frankfurt a.M.: Suhrkamp 2007.

Schmoeckel, Matthias. *Die Großraumtheorie. Ein Beitrag zur Geschichte der*



- Völkerrechtswissenschaft im Dritten Reich, insbesondere der Kriegszeit*, Berlin: Duncker & Humblot 1994.
- Schmoeckel, Matthias. *Carl Schmitts Begriff des Partisanen. Fragen zur Rechtsgeschichte des Partisanen und Terroristen*, pp. 189-217 in: *Forum Historiae Iuris* HI 2006. Accessed online at URL: <http://www.forhistiur.de/media/zeitschrift/0603schmoeckel.pdf>, accessed on: 01.09.2015
- Schneider, Peter. *Ausnahmezustand und Norm. Eine Studie zur Rechtslehre von Carl Schmitt*, Stuttgart: Deutsche Verlags-Anstalt 1957.
- Schuller, Wolfgang. *Dennoch die Schwerter halten. Der κατεχων Carl Schmitts*, pp. 389–408 in: *Geschichte – Tradition – Reflexion. Festschrift für Martin Hengel zum 70. Geburtstag*, ed. Hubert Cancik, *Griechische und römische Religion Bd. 2*, Tübingen: Mohr Siebeck 1996.
- Schwab, Georg. *Carl Schmitt Hysteria in the US: The Case of Bill Scheuermann* pp. 99-107 in: *Telos* 91 (Spring 1992).
- Simmel, Georg. *Der Begriff und Tragödie der Kultur*, pp. 55-76 in: *Grundlagentexte Kulturphilosophie*, ed. Ralf Konersmann, Hamburg: Meiner 2009.
- Sitze, Adam. *The Tragicity of the Political: A Note on Carlo Galli's Reading of Carl Schmitt's Hamlet or Hecuba*, pp. 48-59 in: *Political Theology and Early Modernity*, ed. Graham Hammill and Julia Reinhard Lupton, Chicago: The University of Chicago Press 2012.
- Slomp, Gabrielle. *The Liberal Slip of Hobbes' Authoritarian Pen*, pp. 357-369 in: *Critical Review of International Social and Political Philosophy*, vol. 13, issue 2-3 (2010).
- Sombart, Nicolaus. *Die deutsche Männer und ihre Feinde. Carl Schmitt – ein deutsches Schicksal zwischen Männerbund und Matriarchatsmythos*, München: Hanser 1991.
- Sontheimer, Kurt. *Der Macht näher als dem Recht* in: *Die Zeit*, April 19<sup>th</sup>, 1985.
- Spatiality, Sovereignty and Carl Schmitt: Geographies of the Nomos*, ed. Stephan Legg, Abingdon and New York: Routledge 2011.
- Spengler, Oswald. *Der Untergang des Abendlandes. Umriss einer Morphologie der Weltgeschichte, Band 1: Gestalt und Wirklichkeit*, München: Beck 1923.
- Spinner, Helmut. *Der ganze Rationalismus einer Welt von Gegensätzen. Fallstudien zur Doppelvernunft*, Frankfurt a.M.: Suhrkamp 1994.
- Strauss, Leo. *Notes on Carl Schmitt. The Concept of the Political*, trans. J. Harvey Lomax, 97-

- 122 in: Schmitt, Carl. *The Concept of the Political: expanded edition*, Chicago: The University of Chicago Press 2008.
- Schnädelbach, Herbert. *Politischer Existentialismus – zur philosophischen Vorgeschichte von 1933*, pp. 346-371 in: *Zur Rehabilitierung des Animal Rationale*, Frankfurt a.M.: Suhrkamp 1992.
- Stark, Trevor. *Complexio Oppositorum: Hugo Ball and Carl Schmitt*, pp. 31-64 in: *OCTOBER* 146 (Fall 2013).
- Strobel, August. *Untersuchungen zum eschatologischen Verzögerungsproblem auf Grund der spät-jüdisch-urchristlichen Geschichte von Hab 2,2ff.*, Leiden and Köln: Brill 1961.
- Szondi, Peter. *Versuch über das Tragische*, pp. 149-260 in: *Peter Szondi. Schriften I*, Frankfurt a.M.: Suhrkamp 1978
- Taylor, A.E.. *The Ethical Doctrine of Thomas Hobbes*, pp. 406-424 in: *Philosophy*, vol. 13, no. 52 (October 1938).
- Taylor, Charles. *Sources of the Self: The Making of Modern Identity*, Cambridge: Harvard University Press 1989.
- Thomas Hobbes and Carl Schmitt: The Politics of Order and Myth*, ed. Johan Tralau, London and New York: Routledge 2011.
- Ulmen, G.L.. *Anthropological Theology/Theological Anthropology: Reply to Palaver*, pp. 69-80 in: *Telos* no. 93 (Fall 1992).
- Ulmen, G.L. and Piccone, Paul *The Uses and Abuses of Carl Schmitt*, pp. 3-32 in: *Telos* no. 122 (Winter 2002).
- Vattimo, Gianni. *Inventò la politica di amico-nemico* in: *La Stampa*, April 17<sup>th</sup>, 1985.
- Waldstein, Thorsten von. *Der Beutewert des Staates*, Graz: Ares-Verlag 2008.
- Weber, Max. *Wirtschaft und Gesellschaft, Grundriß der verstehenden Soziologie*, Frankfurt a.M.: Zweitausendeins 2010.
- Weiss, Konrad. *Kreatur des Wortes*, pp. 901-903 in: *Der Ring*, vol. 4 (1931).
- Weiss: *Der christliche Epimetheus*, Berlin: Runge 1933.
- Willms, Bernard. *Die Antwort des Leviathan. Thomas Hobbes' politische Theorie*, Neuwied and Berlin: Luchterhand 1970.
- Willms, Bernard. *Carl Schmitt: Jüngster Klassiker politischen Denkens?*, pp. 577-597 in:

- Complexio Oppositorum*, ed. Helmut Quaritsch, Berlin: Duncker & Humblot 1988.
- Wirtz, Thomas. *Der Pendler Carl Schmitt*, pp. 406-415 in: *Preussische Stile: Ein Staat als Kunstwerk*, ed. Patrick Bahners and Gerd Roellecke, Stuttgart: Klett-Cotta 2001.
- Wohlgemuth, Helmut. *Das Wesen des Politischen in der heutigen neoromantischen Staatsrechtslehre*, Emmendingen 1933.
- Wolin, Richard. *The Seduction of Unreason: The Intellectual Romance with Fascism from Nietzsche to Postmodernism*, Princeton: Princeton University Press 2004.
- Zippelius, Reinhard. *Juristische Methodenlehre*, München: Beck 1990.
- Zizek, Slavoj. *Carl Schmitt in the Age of Post-Politics*, pp. 18-37 in: *The Challenge of Carl Schmitt*, ed. Chantal Mouffe, New York: Verso (1999).